

MASON'S MINNESOTA STATUTES

1927

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UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
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BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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CHAPTER 40

PUBLIC LANDS

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State auditor as ex officio commissioner of lands and timber, see §§ 53-19 to 53-23, herein.

The general laws granting railroads a right of way across public lands do not apply to the ceded portion of the former Red Lake Indian Reservation as the ceded lands are impressed with a trust. 155-446, 194+11.

SALES BY AUDITOR

6261. School lands—Price—The minimum price of school lands shall be five dollars per acre, and all sales thereof shall be within the county in which said lands are situated; provided, that pine lands shall not be sold until the timber thereon has been sold according to the provisions of this chapter; and, when such timber has been sold and removed, the land may be appraised and sold as in this chapter provided. Not more than one hundred thousand acres of school lands shall be sold in one year. Provided further, however, that where patent has been issued by the federal government to any school land as above defined previous to 1864, and the taxes thereon have been paid for a period of at least thirty-five years, that then and in such event the state auditor may in his discretion cause such amount of such taxes to be applied upon the minimum price of \$5.00 per acre as above provided, as he may deem proper, in order that the minimum sales price of the land may be so reduced as to make it saleable. (R. L. '05 § 2404; G. S. '13 § 5204, amended '17 c. 76 § 1; '19 c. 258 § 1)

193-724.

6262. University lands—Minimum price—The minimum price of all lands donated to the state by the United States by act of congress entitled "An act donating to the states of Minnesota and Oregon certain lands reserved by congress for the territories of Minnesota and Oregon, for university purposes," approved March 2, 1861, and by an act of congress entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts," approved July 2, 1862, shall be five dollars per acre. The auditor shall cause said lands, or any part of them, to be appraised and sold in accordance with the provisions of this chapter. (2405) [5205]

6263. Salt and indemnity lands—University may sell—The board of regents of the state university shall have the charge and supervision of the state salt lands donated by the United States to aid in the development of the brines in the state, and of the lands granted by congress to the state by an act entitled "An act granting lands to the state of Minnesota in lieu of certain lands heretofore granted to said state," approved March 3, 1879. Said board may sell said lands in such manner and amounts as it may deem expedient, and shall hold the proceeds thereof in trust, and shall only disburse the same in accordance with the law providing for a geological and natural history survey. The university may execute in its name deeds of conveyance of said lands. The proceeds of the sale of such lands, when invested, shall constitute a permanent fund, called the "University Fund." (2406) [5206]

6264. Swamp lands—Minimum price—The minimum price of all swamp lands held by the state shall be the same as the minimum price of school lands, less one-third, and they shall be appraised and sold in the manner provided by sec. 2 of art. 8 of the constitution. (2407) [5207]

104-123, 116+210.

6265. Internal improvement lands—Minimum price—All lands donated to the state under the eighth section of an act of congress entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved September 4, 1841, shall be appraised and sold, and the minimum price shall be the same, and the moneys derived from the sale thereof shall be invested, as provided by sec. 32b of art. 4 of the constitution. (2408) [5208]

6266. State institutions and capitol lands—Minimum price of certain state lands—All lands selected for state institutions under an act of the legislature entitled: "An act to appropriate swamp lands to certain educational and charitable institutions and for the purpose of creating a state prison," approved Feb. 13, 1865, and all lands known as state capitol lands, shall be appraised and sold as school lands are sold. Provided, that all lands belonging to the state by virtue of the various congressional acts set forth in sections 2404, 2405, 2407, 2408 and 2409, of the Revised Laws of Minnesota for 1905 [6261, 6262, 6264-6266], the minimum price thereof shall be \$5.00 per acre, and the terms of payment and conditions of sale shall be the same as is now provided by law. Provided, however, that where state lands have been benefited by and assessments paid for drainage, such drainage improvements shall be duly considered by the state land examiner in making appraisals. Provided further, that when such drained lands are sold the principal and interest paid thereon shall be credited by the state auditor to the proper fund to which the land belongs. (R. L. § 2409, amended '07 c. 366 § 1; '09 c. 118 § 1) [5209]

100-16, 110+371.

6267. Terms of payment—Interest—The terms of payment on the sale of all state lands other than pine lands shall be as follows: On those which are chiefly valuable for the timber thereon, the purchaser shall pay at the time of sale the value of such timber, and on other lands fifteen per cent of the purchase price. In all cases, including pine lands from which the timber has been sold, the balance of the purchase price shall be payable at any time within forty years, at the option of the purchaser, with interest at the annual rate of four per cent, payable on June 1 in each year. (R. L. '05 § 2410; G. S. '13 § 5210, amended '15 c. 13 § 1)

32-228, 20+94; 50-491, 494, 52+970.

135-408, 161+156.

6268. Further security — Action — The auditor, whenever, in his opinion, the interests of the state will not be secured by the terms of payment so provided for, shall require of the purchaser such further security for the payment of the deferred instalments as he may deem necessary; and, in all cases where security is taken, the auditor may recover the money and enforce such security by action brought in his name. (2411) [5211]

6269. Sales by subdivisions—All sales of land by the auditor shall be made according to the subdivisions thereof by the United States surveys, unless the same have been subdivided into smaller parcels or lots as provided in this chapter; but no land shall be sold in larger quantity than one quarter section. (2412) [5212]

6270. Subdivision into lots—Whenever the interest of the state will be promoted, in the opinion of the auditor, by subdividing any of the land under his control into small parcels or village lots, he shall cause the same to be done, and the land to be appraised:

Provided, that whenever a petition, signed by at least ten legal voters of the county in which the land therein described is situated, is presented to the auditor, requesting him to have such land so subdivided, he shall submit such petition to the board of timber commissioners, which shall meet for the consideration thereof, and, if the subdivision be recommended by the governor and at least one other member of the board, the petition shall be granted. The action of the board shall be indorsed upon such petition and signed by the board, and, whether the request be granted or refused, the petition so indorsed shall be filed with the auditor. If the request be granted, the auditor shall subdivide said land accordingly, and cause the same to be appraised. (2413) [5213]

6271. **Appraisal of lots**—For the purpose of making the appraisal required by § 6270, appraisers shall be appointed as follows: One by the governor, one by the auditor, and one by the county board of the county in which the lands are situated. Each appraiser, before entering upon the duties of his office, shall take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability, and that he is not interested, directly or indirectly, in any of the lands or improvements thereon, and has entered into no combination to purchase the same or any part thereof, which oath shall be attached to their report. They shall then appraise the lands and make report thereof to the auditor as hereinafter provided. Each appraiser shall be allowed as compensation for his services and expenses three dollars per day, to be paid by the state. (2414) [5214]

6272. **Sale—Reappraisal**—All parcels or lots so appraised shall be subject to sale in the same manner as other lands in charge of the auditor, and shall be sold at not less than the prices at which they were severally appraised, until a new appraisal is made, which the auditor, in his discretion, may cause to be made in the manner aforesaid, and with like effect; but no parcels or lots so appraised shall be sold for less than the minimum price of said lands established by this chapter. (2415) [5215]

6273. **Map to be recorded**—Whenever the auditor shall subdivide any land into small parcels or village lots, he shall cause a map of the same to be filed for record with the register of deeds of the county in which said land is situated. (2416) [5216]

6274. **Surveys**—Whenever it appears to the auditor necessary, in order to ascertain the boundaries of any tract of land in his charge, or to enable him to describe or dispose of the same in convenient parcels, he may cause surveys to be made. (2417) [5217]

6275. **Resurvey of lands**—Whenever a tract of land has been sold by the state of Minnesota, according to the United States survey, and the state auditor is of the opinion that an injustice has been done the purchaser because of an incorrect survey, he may cause a re-survey thereof to be made by a competent surveyor, who shall thereafter prepare a plat showing the correct acreage of each subdivision so re-surveyed to be filed in the state auditor's office and in the office of the register of deeds of the proper county, and the said auditor is hereby authorized to call in such land certificates as are affected by the re-survey and to issue new ones in lieu thereof showing the correct acreage, giving full credit for all payments of principal and interest which had previously been made. ('17 c. 197 § 1)

6276. **Appraisal of lands to be sold—Minimum price**—Whenever, in the opinion of the auditor, it shall be

for the interest of the state that any of the lands in his charge, or the improvements thereon, be appraised, appraisers shall be appointed, who shall qualify, report, and be paid as in the case of lands subdivided into lots. The appraisers shall report the value of lands and the improvements thereon, if any, separately; and if any of such lands, other than pine lands, are chiefly valuable for the timber thereon, the value of such timber shall also be separately stated. The appraised value shall be the minimum price for such lands until changed by a subsequent appraisal. (2418) [5218] (Amended '27, c. 241, § 1)

6277. **Appraisal of school or other state lands—Appraisers — Appointment — Appraisals — Sales — Times and places of holding—Sales—**Whenever in the opinion of the land commissioner of the State of Minnesota it will be for the public interest that an appraisal of any of the school or other state lands should be made, he shall appoint one appraiser, who shall be one of the regularly employed state appraisers, and notify the governor, who shall appoint one appraiser. Such appointment shall be made within thirty (30) days after such notice. Where the land to be appraised is prairie land, the land commissioner or state auditor is authorized to appoint as appraiser, to serve as hereinafter stated, any competent surveyor, who shall serve in lieu of the regularly appointed state appraiser in the appraisal of such prairie land. Each appraiser shall, before entering upon the duties of his office, take and subscribe an oath, before any person qualified to administer oaths that he will faithfully and impartially discharge his duties as appraiser, according to the best of his ability, and that he is not interested directly or indirectly in any of the school or other state lands or improvements thereon, and has entered into no combination to purchase the same or any part thereof, which said oath shall be attached to the report made of such appraisal, said appraisers after taking oath of office shall proceed to view and appraise such lands and the improvements thereon and make a report thereof to land commissioner as he may direct. The valuation of such lands and the timber shall each be made and stated separately in the appraisal, and the minimum price established by such appraisal shall be the minimum price for such lands until changed by subsequent appraisal. No school or other state lands shall be sold until so appraised, nor for a less price than five (\$5.00) dollars per acre. Such appraisers shall receive as compensation for their work a sum not to exceed the sum of five (\$5.00) dollars per day for each day actually employed, and their necessary traveling expenses. The land commissioner shall hold frequent sales of school and other state lands, the time and place of such sales to be publicly posted on the front door of the court house in the county in which the sale is to take place, at least thirty days in advance of such sale, in addition to the regular notice of sale provided by law. At said sale the land commissioner shall sell such lands as he considers for the public interest. Where land mainly valuable for agricultural purposes, as shown by the appraisal and other reports in the office of the land commissioner contains only small quantities of pine, tamarack, or other timber, the land commissioner may, in his discretion, either sell the timber separately in the manner provided by law for state timber sales, or he may sell the land as agricultural land, requiring the purchaser to pay down as first payment an amount equal to the value of the timber, in addition to the fifteen per cent first payment required

6277
236nw 456
See 6261

6277
34 — 22

on the land. It shall be the duty of the appraisers to report to the land commissioner such lands as in their opinion should be drained. After the state has constructed or has been assessed for any public ditch or drain, the lands hereby assessed or approved shall thereafter be re-appraised before being offered for sale. Provided, that if the improvements upon said lands were made by one who in the opinion of the state land commissioner settled upon said land in good faith, believing it to be land subject to homestead entry under the laws of the United States, and such settlement was made before the land was certified to this state, then the value of such improvements shall be appraised separately, and if at the sale of such land the settler who made the improvements shall be the purchaser, he shall not be required to pay for such improvements; but if a person other than such bona fide settler purchase said land and the improvements at such sale, said purchaser shall pay to the state within thirty days, the full amount for which improvements are appraised and the amount so received by the state for such improvements shall be paid over to such settler, his heirs, or assigns by warrant drawn by the state auditor upon the state treasury, and the amount necessary to make such refundment is hereby annually appropriated.

Provided further, that in order to be permitted to purchase such land and improvements from the state without paying for the improvements, the bona fide settler must make such purchase at the first sale held by such state auditor in which the land in question is offered for sale, and

Provided further, that prior to such sale by the state auditor any and all contest proceedings or actions involving the land in question, which had been instituted or are pending relative to the land in question must have been finally determined. ('11, c. 196, § 1; amended '19, Ex. Sess., c. 17, § 1; '27, c. 332, § 1) [5219].

Historical—Laws 1911, c. 196 is entitled "An act to amend chapter 162 of the Laws of 1905, entitled 'An act to provide for the appraisal and sale of school lands and other state lands, and fixing the minimum price therefor, and relating to the rights of settlers thereon.'"

Section 2 repeals inconsistent acts, etc.

For appropriation for payment of salaries and expenses. See '23 c. 59 and '19 c. 19.

In this action to set aside the certificate issued, the evidence fails to sustain the finding that the land commissioner had made such a mistake in classifying the 40 involved as to indicate bad faith either upon his part or that of the appraisers; the determination of classification and sale being largely vested in the land commissioner by that chapter. 167-159, 208+660.

6278. Notice of sale—Before any sale is made, the auditor shall cause four weeks' published notice of the time and place of sale to be given at St. Paul and in each county in which land to be sold is situated. Such notice shall contain a description of each parcel of land to be sold. If there be no newspaper published in any such county, four weeks' posted notice shall also be given therein. The auditor, on or before the day of sale, may withdraw any lands which may have been so advertised. (2419) [5220]

Sales of school lands made October 17, 1902, when there was a defect in publishing the notice of sale, re-instated and validated, '05 c. 99. See also '23 c. 85 Cur. 193+724.

6279. Date of sales of state lands to be fixed by state auditor—It shall be the duty of the state auditor to hold public sales of school and other state lands in those counties where school and other state lands are situate, at such times as will be advantageous to

the state and to intending buyers and settlers. ('11 c. 123 § 1, amended '13 c. 8 § 1; '23 c. 6 § 1) [5221]

6280. Notice of sale—It shall be the duty of the state auditor to give public notice of each of said sales by four (4) publications in a weekly paper printed and published at the county seat wherein the lands are situated, and also by four (4) weekly publications in a daily paper published and printed in the capital city of the state. Said published notice shall contain the following information:

1st. The time and place for the holding of said sales.

2nd. The limitations and requirements provided by law as to purchasers of such lands.

3rd. The terms and conditions of payments as required by law.

4th. The place where lists of lands to be offered for sale may be obtained. ('11 c. 123 § 2) [5222]

6281. Acts repealed—What provisions applicable—All acts or parts of acts inconsistent with this act are hereby repealed. All other requirements and provisions relating to the sale of school and other state lands shall apply with full force to sales made under this act. ('11 c. 123 § 3) [5223]

6282. By whom state lands may be sold—All sales made pursuant to this act shall be conducted by the state auditor in person, his deputy, or by a competent person employed by the state auditor and bonded in a sum of not less than \$10,000. ('11 c. 123 § 4, amended '19 c. 199 § 1) [5224]

6283. Maps and plats—It shall be the duty of the state auditor to prepare suitable maps or plats, having designated thereon those school, or other state lands, owned by the state which have been duly appraised and subject to sale, which maps or plats shall be printed and distributed with other printed matter in sufficient quantities to properly advertise the sales provided by this act. ('11 c. 123 § 5) [5225]

6284. Certificate of sale—Default—Resale—At the time of the sale the auditor shall execute, acknowledge, and deliver to the purchaser a certificate of sale, in which he shall certify the description of the land sold, the quantity thereof, the price per acre, the consideration paid and to be paid, and the time and terms of payment, and which shall be numbered and made assignable. No certificate shall be delivered until the sum required by law to be paid at the time of the sale is paid to the treasurer of the county where such sale takes place, and, in case the purchaser fails to pay such sum, the auditor may immediately re-offer the land for sale, but no bid shall be received from the person so failing. (2420) [5227]

60-313, 62+110. 135-408, 161+156.

6285. Certificate—Default in interest—Resale—The certificate of sale shall further set forth that in case of the non-payment of the annual interest by June 1, or within six days thereafter, by the purchaser or by any person claiming under him, then the auditor may, during the continuance of such default, declare the certificate void, and may take possession of the lands therein described, and resell the same at public auction in the same manner and under the same rules as provided for the first sale. When the auditor shall have re-appraised and advertised and publicly offered for sale such land, a re-entry shall be deemed to have been made on the part of the state, without any other act or deed whatsoever. The purchaser at such sale shall be entitled to immediate possession. If the land is not again sold, it shall be deemed to be unsold land of the state, and the original purchaser in

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See 6291

default, or any person claiming under him, who shall remain in possession or enter thereon without first paying all delinquent interest, costs and penalties, shall be deemed a wilful trespasser, and shall be punished as such. (2421) [5228]

32-228, 20+94; 50-491, 494, 52+970.

6286. Assignment—Extensions of payment—Whenever any certificate is assigned, the assignment shall be executed in the same manner as a deed of land, and shall be acknowledged by the assignor. And whenever any extension of the time of payment is agreed upon, such agreement shall be in writing, executed in like manner and a record thereof preserved in the office of the state auditor. (2422) [5229]

Cited (109-185, 123+412).

135-408, 161+156; 135-449, 161+155.

Certain school certificates, validated, '15 c. 267.

6287. Effect of certificate—Record—A certificate of sale entitles the holder to the possession of the land therein described, but the fee shall remain in the state until a patent is issued therefor. Such certificates, assignments and patents may be filed for record with the register of deeds. (2423) [5230]

21-101, 106; 32-228, 20+94; 33-450, 453, 23+851.

135-408, 161+156.

All certificates issued by the Commissioner of the State Land Office between November 30, 1890, and December 2, 1890, where said certificates have been issued after public sale at a price lower than the appraised valuation, validated, '13 c. 471.

6288. Division of certificates—Whenever the holder of any certificate shall surrender the same to the auditor, with a request to have the land therein described divided, and two or more certificates issued therefor, it shall be lawful for the auditor so to do: Provided, that no new certificate shall issue while any interest is delinquent, or if the auditor shall be of opinion that the security of the state would be impaired or endangered thereby. If the applicant shall desire a division by boundaries other than regular government or state subdivisions, he shall file with his application a plat and survey showing the lines of, and the quantity of land in, each subdivision. (2424) [5232]

6289. Conditional sales of certain swamp lands validated—That in all cases where sales of state swamp lands made June 29, 1908, have been made in accordance with law, except that the appraised value of the improvements on said lands have not been included in the consideration of the sale, the said lands have not been resold to any person, such sales are hereby reinstated and validated and in all things confirmed in the purchaser, and the state auditor is authorized and directed in all of such cases to complete such sale, by issuing to the purchaser, upon its complying with the terms of payment, a certificate of sale of such lands duly executed, acknowledged and delivered as provided by law. ('09 c. 119 § 1) [5233]

6290. Sales by mistake, etc.—Refund—Any sale made by mistake, or not in accordance with law, or obtained by fraud, shall be void, and the certificate issued thereon shall be of no effect; and the holder of such certificate shall be required to surrender the same to the auditor, who, except in cases of fraud on the part of the purchaser, shall cause the money paid on such sale to be refunded to the holder. (2425) [5234]

State auditor's determination of character of lands and his certificate of sale not subject to collateral attack (109-185, 123+412).

In an action by the state to cancel state school land certificates, held, that the certificates were void for want of authority in the state land commissioner to sell such lands until the timber was first sold and removed therefrom. 157-7, 195+495.

6291. Delinquent purchasers—Redemption—When the rights of a purchaser have become forfeited by a failure to pay the amount due, if such purchaser, his heirs or assigns, before resale at public auction of the lands described in the certificate, shall pay to the state treasurer the amount of interest then due and payable on such certificate, and all costs incurred, together with interest at the rate of twelve per cent per annum on such interest and costs, such payment shall operate as a redemption of the rights of the purchaser, his heirs or assigns. (2426) [5235]

50-491, 494, 52+970.

6292. Refundment of tax certificates upon certain reform school lands—Any holder of a tax certificate of sale or state assignment certificate, who became the owner thereof prior to the adoption of chapter 2, General Laws 1902, and which describes reform school lands, so-called, or any tract, lot or subdivision thereof and which was sold by the state upon contract prior to the year 1902, to a purchaser, who has since defaulted in the performance of the conditions thereof, so that the land is now owned in fee simple by the state, may petition the board of county commissioners of the county wherein such lands are situated, setting forth fully and fairly all the facts pertaining thereto and said board of county commissioners shall thereupon inquire into the truth of the facts alleged in said petition, and if they are satisfied that the facts are fully and fairly stated therein, they shall so certify to the state auditor of the state of Minnesota. The state auditor, if he is satisfied that a refundment should be made to the holder of said certificate or certificates, or any of them, for the amount thereof, without interest, shall authorize the refundment of the amount paid therefor, together with the amount of other subsequent taxes upon said property paid by the holder thereof, but without interest upon any of said amounts, and upon the surrender or proper assignment of said certificates the county auditor shall draw an order upon the treasurer of said county, for the sum so authorized to be refunded, the same to be countersigned and paid like other county orders. The several funds—state, county, town, city, village, school and other funds—shall be charged with their several proportions of the amount thus refunded. ('09 c. 491 § 1) [5236]

Explanatory note—For Laws 1902, c. 2, see §§ 2104 to 2230, herein.

6293. State treasurer authorized to extend time of payments on state land certificates—Execution of patents by Governor—That the treasurer of the State of Minnesota is hereby authorized to receive payment up to and including December 31, 1927, of the principal on all state land certificates where the time for payment of said principal has expired, or will expire, on or before May 31st, 1928, and the Governor of the State of Minnesota is hereby authorized to execute patents covering those lands on which all demands due the state have been paid in full, as hereinbefore provided; provided further, that the provisions of this act shall not apply to state land certificates that have been canceled prior to the passage of this act. ('21, c. 440, § 1; amended '23, c. 27, § 1; '25, c. 35, § 1; '27, c. 3, § 1)

6294. Interest on unpaid principal—That interest on the principal remaining unpaid May 31st, 1928, shall run thereafter at the rate of ten per cent per annum until the said principal is paid in full. ('21, c. 440, § 2; amended '23, c. 27, § 2; '25, c. 35, § 2; '27, c. 3, § 2)

For prior similar legislation. See '17 c. 7; '19 c. 179; '21 c. 440.

6291 39
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See 6277

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See 6287

6295. Patents—The governor shall sign and issue, under the seal of the state, attested by the auditor, a patent for the land described in any certificate of sale, whenever the same is presented to him, with the certificate of the auditor indorsed thereon that the principal and interest specified therein, and all taxes due on said land, have been paid, and that the holder is entitled to a patent; and the governor shall in like manner issue a patent for such land to any purchaser at execution, judicial, mortgage, or tax sale of the right, title and interest of the holder of any such certificate of sale, upon presentation to him of the certificate of the auditor that the principal, interest and taxes have been paid, and that such purchaser is entitled to a patent. (2427) [5237]

See joint resolution authorizing the state to receive payments on sales of school and other state lands where the time limit for payment has expired or will expire before December 31, 1914, and to issue patents therefor ('13 J. Res. No. 3).

33-450, 23+851.

Plaintiff, to whom certificate had issued, was entitled to recover for logs subsequently removed though patent was not issued until after commencement of action (100-16, 110+371). One who has prior equitable right to receive patent superior to that of patentee may enforce his equity (107-380, 120+527).

Where, after a good-faith purchaser of a certificate of sale of state land has become the owner of the equitable title by recording his assignment the holder of a prior unrecorded assignment pays the balance due the state and surrenders the certificate, and receives a patent, the patent cannot be canceled and the legal title revested in the state at the suit of the equitable owner; but the patentee may be adjudged to hold the legal title in trust for the equitable owner, and may be required to convey it to him upon payment of the amount so paid to the state. (135-408, 161+156).

6296. Payments—Receipts—The holder of any certificate of sale may pay to the treasurer of the county in which the land therein described is situated any amount which may be due from time to time on such certificate, either for principal, interest or penalty; and for the amount so paid such treasurer shall issue duplicate receipts, specifying the date and amount of payment, whether for principal, interest or penalty, and the fund to which it is applicable, the number of the certificate, which receipt shall be countersigned by the auditor of such county, and shall have the same force as if given by the state treasurer. The county treasurer shall deliver one of such receipts to the holder of the certificate, and the other to the county auditor. (2428) [5238]

28-45, 8+907; 39-433, 40+508.

6297. Bonds of county treasurers—Before any county treasurer shall receive any moneys under Section 6296, he shall give bond to the state, prepared upon a blank form furnished by the state auditor and approved by the judge of probate and the register of deeds, in an amount to be fixed by such auditor, which bond shall be conditioned for the faithful discharge of all duties imposed by this chapter. Such bond, when approved, shall be filed with the auditor. The premium thereon shall be paid out of the general revenue fund of the state. (2429) [5239] (Amended '27, c. 139)

26-183, 186, 2+494, 683; 28-45, 8+907; 71-461, 74+158; 82-151, 84+657.

6298. Moneys paid to state treasurer—Each county treasurer shall hold all moneys received by him on account of such certificates of sale subject to the order of the state treasurer, and during March, June and October of each year, and at other times when requested by the state treasurer, he shall pay into the state

treasury all such moneys received since the last payment made. (2430) [5240]

39-433, 40+508; 71-461, 463, 74+158.

6299. Fees of treasurer—Standing appropriation—County treasurers shall be entitled to fees of one-half of one per cent on each dollar received by them in payment of principal or interest on account of such certificates of sale, which fees shall be paid by the state from the current fund of the class of lands on which such payment is made, and shall not be payable to the county under any provision requiring county treasurers to pay fees into the treasuries of their respective counties; and the necessary sums for the payment of such fees are hereby annually appropriated from the several interest funds. (2431) [5241]

6300. Statement of sales—On or before May 1 in every year, the auditor shall transmit to each county treasurer who has executed and returned his bond as hereinbefore provided a statement showing the lands sold in that county, and the classes to which the same belong, the numbers of the certificates of sale, the names of the persons to whom they were respectively issued, and the amount of principal and interest due on each certificate on June 1, together with such instructions and blanks as shall enable the treasurer to carry out the provisions of this chapter. (2432) [5242]

6301. County auditors—Duties and powers—Each county auditor, at the time he is required by law to return abstracts of settlement to the state auditor, shall also forward all duplicate receipts of principal, interest or penalties delivered to him as hereinbefore provided, with a certified statement of such collections by the county treasurer, specifying the amount of each item, and shall also make such return at any other time when requested by the state auditor. The county auditor shall act as clerk of land sales made by the state auditor, and may make such sales when authorized by him, in which case his deputy shall act as clerk. Immediately after the close of all sales, the county auditor shall report to the state auditor the description of each tract sold, the amount for which it was sold, and the amount paid. For each day while so engaged the county auditor shall be allowed the sum of three dollars, to be paid out of any appropriation for the appraisal and sale of said lands. (2433) [5243]

26-183, 187, 2+494, 683.

6302. Proceeds of sales—Distribution—The principal sums accruing from all sales by the auditor of school, university, internal improvement, or other state lands, or of pine timber upon the same, shall become a part of the several permanent funds to which they respectively belong, and shall not be reduced by any costs or charges of officers, by fees, or any other means whatever. All moneys received as interest on such funds, or as penalties, or as rents of such lands, shall become part of the current or general funds to which they respectively belong: Provided, that all interest and penalties on the internal improvement land fund, and rents of such land, shall be compounded with the permanent fund. (2434) [5244]

INVESTMENT

6303
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6303. Investment of permanent funds—The permanent school fund, permanent university fund, swamp land fund, internal improvement land fund, and all other permanent trust funds of the State of Minnesota shall be invested in the bonds of the United States

or of this state or the bonds of any school district, county, city, town or village of this state, bearing not less than four per cent interest, but no investment shall be made in bonds issued to aid in the construction of any railroad. Such funds shall be invested by a board of commissioners consisting of the governor, treasurer, auditor, attorney general and president of the board of regents of the state university, which shall be known as the State Board of Investment, and which shall hold regular meetings on the first and third Wednesdays of each month. The governor shall be ex-officio president of said board, which shall have a permanent secretary, who shall keep record of its proceedings. Both the secretary of the board and the auditor shall keep a record showing the number and amount of each bond, when issued, the rate of interest, when and where payable, by whom executed, when purchased, when withdrawn and for what purpose. Such bonds shall be endorsed so as to show to which trust fund they belong and shall be transferable only upon the order of said board of investment, but no bonds shall be purchased, sold, exchanged or transferred from one trust fund to another except upon a majority vote of all members of said board of investment, and no purchase of said bonds in excess of \$250,000 shall hereafter be made from any municipality in this state except in cases of emergency heretofore or hereafter arising from damage or destruction by flood, fire or cyclone unless such purchases have been heretofore approved by said investment board. In investing the permanent school fund preference shall be given to application for loans from school districts and priority shall be accorded such loans of \$25,000 and less. The board of investment shall have the power to fix and to change the rate of interest on loans to municipalities within the state, provided such rate is never less than four per cent, and whenever such rate is changed after any municipality has voted its bonds to the state such municipality is hereby authorized to pay the new rate so fixed and to issue its bonds bearing such rate upon approval and acceptance thereof by resolution of its governing body. ('21, c. 516, § 1; amended '25, c. 131, § 1)

Explanatory note—Laws '21, c. 516, § 2 repeals G. S. '13, § 5246, and provides that the act shall not affect proceedings taken under the repealed section prior to the approval of the act.

For acts validating certain bonds heretofore purchased by the state board of investment, see '19 c. 387 and '23 c. 273. See § 1989, herein.

6304. Investment secretary for state board of investment—There is hereby created an investment secretary, who shall be the secretary of the state board of investment (called in the Constitution board of commissioner), and who shall perform the duties of his office under the direction of the state board of investment; provided, however, that the responsibility for the safe investment of all state trust funds, under its jurisdiction, shall remain with the board. ('17 c. 271 § 1)

Office of secretary of state board of investment abolished. See § 53-45, herein. Executive secretary of executive council as secretary of state board of investment, see § 53-2, herein.

6305. Salary—The annual salary of the secretary shall be \$3,000. The board of investment may provide necessary assistants and fix their compensation. The total disbursement for such assistants shall not exceed \$2,500.00 per annum. ('17 c. 271 § 2)

6306. To be under direction of board of investment—The said secretary shall, under the direction of said board of investment, have general supervision of the

investigation of applications for loans, the negotiation of new investments, examination of securities, and the records of municipalities applying for loans, and such other work relative to the trust funds of the state as shall be required by the said board of investment. The secretary shall report to the board of investment all relevant facts in connection therewith. ('17 c. 271 § 3)

6307. To be appointed by state board of investment—The investment secretary shall be appointed by the state board of investment. The first appointee shall hold office until January 1, 1920. Thereafter the term of the secretary shall be three years and until his successor shall be appointed and qualified. The board of investment may remove the secretary at its discretion. Vacancies caused by resignation or removal shall be filled by the board of investment for the unexpired term. ('17 c. 271 § 4)

6308. Given power to appoint and dismiss assistants—The secretary shall, with the approval of the board of investment, appoint and dismiss all assistants. The said board shall require the secretary and, in its discretion, may require his assistants to give a bond payable to the state in such sum as the board shall determine. ('17 c. 271 § 5)

6309. To be furnished with office quarters, furniture and supplies—Said secretary shall be provided with suitable quarters, office furniture and supplies, and be allowed necessary expenses when traveling on official business. All expense accounts of the secretary shall be approved by the board of investment, and when so approved, shall be audited and paid as provided by law. ('17 c. 271 § 6)

6310. State treasurer to continue in custody of bonds and securities—The state treasurer shall continue to have the custody of the bonds and securities belonging to the trust funds of the state, but the secretary shall have access thereto in the presence of a representative of the state treasurer, during the usual office hours of the treasury department. ('17 c. 271 § 7)

6311. Interest on school loans reduced—The State Board of Investment shall, upon the written application of any school district hereby affected, reduce the rate of interest from five to four per cent per annum, on all bonds heretofore issued to the State of Minnesota, at five per cent interest, by any school district, for the purpose of constructing and equipping a schoolhouse, in all cases where the application of any such district for a loan for such purpose, at four per cent interest had been approved by said State Board of Investment and a contract for the construction of such schoolhouse had been entered into before receipt by such district of notice of the increase in interest rate from four to five per cent made by said Board on the 10th day of June, 1921. Such reduction shall be made by resolution of said State Board of Investment, reciting the facts, and describing the bonds upon which the interest is so reduced. ('23 c. 28 § 1)

6312. Resolution to be filed—A certified copy of such resolution shall be filed with the State Auditor, who shall thereafter levy and collect interest at the rate of four per cent only on the bonds therein described. ('23 c. 28 § 2)

6313. Standing appropriation for investment—There are hereby annually appropriated for the purposes of investment all moneys received into the state treasury to the credit of the permanent school fund, permanent university fund, internal improvement land fund and all other funds required to be invested in

securities or which may be loaned as provided by law. (2436) [5246]

6314. **Standing appropriation for expenses of investment**—There are hereby annually appropriated such sums as shall be found necessary for the incidental expenses of purchase including the payment of interest accrued at the time of purchase, of bonds for the permanent school and university funds, payable from the current or general school or university funds, respectively, and for like expenses of the purchase of bonds for the other permanent funds referred to in § 6313, payable from the respective current or general funds. (2437) [5247]

FUNDS.

6315. **Swamp land fund—Transfer of state institutions funds**—That the credit balances and securities in the state treasury, and all land contracts arising from the proceeds of the sale of a portion of the state swamp lands, and which is designated in the state records as belonging to the "state institutions fund," be and the same are hereby transferred to the "swamp land fund, and the state institutions interest fund," being the accrued interest on said "state institutions fund," be and the same is hereby transferred to the "swamp land interest fund." ('07 c. 385 § 1) [5248]
See preamble to act.

6316. **Swamp land interest fund**—At the close of each fiscal year it shall be the duty of the state auditor and state treasurer to transfer the amount then standing to the credit of the "swamp land interest fund" to the several funds entitled thereto, as follows, to-wit: The general school fund one-half, the revenue fund, one-half. ('07 c. 385 § 2) [5249]

6317. **Revenue fund**—The amount credited to the revenue fund as herein provided, shall at the end of each fiscal year be credited to the appropriations for the support of the several state educational and charitable institutions in the relative ratio of cost of support of such institutions, reckoned on the cost for the fiscal year next preceding the one in which such distribution is made. ('07 c. 385 § 3) [5250]

6318. **Expenses — How paid** — The necessary expenses of the auditor under the provisions of this chapter shall be paid out of the state treasury, and, upon satisfactory vouchers, the auditor shall issue his warrant therefor. (2438) [5251]

6319. **Bonds held in state trust funds may be sold at less than cost**—That the state board of investment is hereby authorized to sell the bonds of other states, or any part thereof, now held in the trust funds of the state, for a sum less than the cost to such funds, should the board of investment deem it for the best interests of the state to make such disposition of said bonds. In order that the principal of such funds, as derived from the sales, or other disposition of said lands, or other property, granted or intrusted in this state for educational purposes, or for purposes of internal improvement, shall not be impaired, the said board of investment is hereby authorized to make up any deficit, or loss, which may accrue by reason of the sale of said bonds, from the fund hereinafter created, or from the profit derived from former sales of bonds of said trust funds, as shown upon the books of the state auditor, or partly from the said fund and partly from said profits. ('17 c. 464 § 1)

Section 4 carries \$100,000.00 appropriation.

6320. **Creation of fund by board of investment**—The board of investment is hereby authorized to create

a fund to meet any prospective loss arising from the sale of such bonds, or any portion thereof, by charging a bonus upon the bonds of municipalities of the state purchased by said investment board, not exceeding one-fourth of one per cent per annum for the period for which the loan is to run. Such bonus shall be deducted from the amount of such loan when made and credited to such fund. The board of investment may, in its discretion, exempt loans to school districts from the provisions of this section. Municipalities making application to the state for loans under this act are hereby authorized to pay such bonus upon approval by the governing board of such municipalities. ('17 c. 464 § 2)

6321. **Payment of loss as a result of sale of bonds**—Whenever the board of investment shall sell any of said bonds and a loss to the trust funds shall accrue therefrom, the amount of such loss shall be paid from the fund provided for by section 2, if said fund is created by the board of investment, if the amount in said fund, or the anticipated receipts thereto, be sufficient to meet such loss; if insufficient the deficiency shall be paid from the profits of former sale of bonds of said trust funds. ('17 c. 464 § 3)

6322. **Anticipating receipts by board of investment**—The board of investment may anticipate the receipts to accrue to the fund authorized by section 2. For the purpose of temporarily providing for any loss in the sale of said bonds, pending the collection of the bonus provided for herein, the auditor and treasurer are hereby authorized to transfer from the revenue fund, upon a certificate of the state board of investment, a sum sufficient to cover such loss. When there are sufficient funds the amount of such transfer shall be repaid to the revenue fund. ('17 c. 464 § 4)

\$5,000 appropriated to carry out provisions of above sections, '21 c. 55.

MISCELLANEOUS

6323. **Taxation — Sales — Redemption — Special certificate**—State lands sold by the state auditor shall thereupon become taxable, and a description of each tract so sold, with the names of the purchaser, shall be transmitted to the proper county auditor, who shall extend the same for taxation like other land. Provided, that the interest in said land to be sold for the enforcement of delinquent taxes shall be such only as is vested by the land sale certificate in the holder and owner thereof. Upon production to the county treasurer of the tax certificate given upon tax sale, in case said lands have not been redeemed, such tax purchaser shall have the right to make any payment of principal and interest then in default upon such land sale certificate as the assignee thereof. In order to redeem from any such tax sale, the person redeeming must pay the county treasurer, for the holder and owner of the tax sale certificate, in addition to all sums required to be paid in other cases, all amounts paid by such holder and owner for interest and principal upon such land sale certificate, with interest at twelve per cent per annum. The state auditor upon receipt of said tax certificate to which is attached the certificate of the county auditor of the expiration of the time for redemption, and the receipt of the county treasurer for all delinquent interest and penalty on said land sale certificate, shall issue to the holder and owner of the tax certificate, a special certificate, embodying the same terms and conditions, and with like force and effect, as the said original land sale certificate, and in lieu thereof. (R. L. § 2439, amended '09 c. 114 § 1) [5252]

6324. Lease of hay privilege—The auditor is authorized to lease any state lands in his charge for hay or grass privileges, upon such terms as he may prescribe, but no such lease shall be for more than one calendar year. (2440) [5253]

Cited (99-220, 108+958).

6325. Lease for grazing and pasturing—After any land belonging to the state has been offered at public sale and no one offers the appraised price, the state auditor may lease the same for a period for not more than five years for grazing and pasturing purposes. The annual rental shall not be less than ten cents per acre and at the end of the term, the lessee may remove all fences or temporary structures thereon. ('09 c 191 § 1) [5254]

6326. How leased—Termination—Proceeds—On the second Tuesday of April of each year the several county auditors shall receive bids for the leasing of state lands in their counties and the lands shall be leased to the highest bidder. The rent shall be paid annually in advance and whenever any lessee fails to so pay his rent before the second Tuesday in April of each year, the county auditor shall declare the lease terminated and again offer the land for rent. The county auditor shall retain ten per cent of the gross amount received for the use of the land and remit the balance to the state auditor, who shall turn it in to the several funds of the state to which the land belongs. ('09 c. 191 § 2) [5255]

6327. Subject to sale—Any lease made under the provisions of this act shall be made subject to a sale of the land at any time as provided by law. ('09 c. 191 § 3) [5256]

6328. Lands to be leased by state auditor—The state auditor may at public or private vendue and at such prices and under such terms and conditions as he may prescribe, lease any unsold school, university, internal improvement, swamp or other lands subject to sale by the state auditor, for the purpose of taking and removing sand, gravel, clay, rock, marl, peat and black dirt therefrom, for storing thereon ore, waste materials from mines or rock and tailings from ore milling plants, and for garden sites, and for other temporary uses that shall not result in any permanent injury to the land; provided that no such lease shall be made for a term to exceed ten years, except in the case of leases of lands for storage sites for ore, waste materials from mines or rock and tailings from ore milling plants, which may be made for a term not exceeding twenty-five years, provided further that all such leases shall be made subject to sale and leasing of the land for mineral purposes under legal provisions, and shall contain a provision for their cancellation at any time by the state auditor upon three months written notice. All money received from leases under this act shall be credited to the fund to which the land belongs. ('15 c. 192 § 1, amended '17 c. 31; '19 c. 405 § 1)

6329. Escheat subject to incumbrance—When any land has become the property of the state by escheat, and is subject to any incumbrance arising from taxes, assessments, or otherwise, the auditor, with the approval of the governor and the attorney general, and for a consideration to be determined by them, may execute in the name of the state a deed of such land to the holder of such incumbrance. (2441) [5257]

6330. Revolving fund for clearing unsold school and swamp land—The sum of \$100,000 is hereby set apart and appropriated from the fund derived from the sale of school and swamp lands. The said sum of money is to be used as a revolving fund and as contemplated

by the amended section 2 of article 8 of the Constitution of the State of Minnesota in clearing unsold school and swamp land. ('17 c. 164 § 1)

6331. Auditor to have charge of investment and expenditure—The state auditor shall have the charge of the investment and expenditure of the moneys hereinbefore appropriated. ('17 c. 164 § 2)

6332. State land improvement board—The governor shall appoint a state land improvement board of three members, who shall serve without salary, but whose expense shall be paid. The board may be consulted at any time by the auditor and shall, when any land is to be improved under contract, or when any land improved under this act is to be sold, be consulted, and give their approval in writing. ('17 c. 164 § 3)

State land improvement board abolished. See § 53-45, herein.

6333. Auditor to have charge of improvements—The state auditor shall have charge of the improvements of all public lands and of the administration of this act. He shall appoint such engineers, agricultural experts, and other employes as shall be necessary for the administration of this act and determine their compensation; provided that the governor may on recommendation of the auditor require any expert work necessary in the administration of this act to be performed under the direction of the auditor by employes of other state bureaus, departments and institutions. ('17 c. 164 § 4)

6334. Same—The auditor shall, from time to time, determine the townships within which the improvement of state lands shall be made and he shall at all times give preference to those lands which, in his judgment, can most successfully be used at the time for agricultural purposes; provided that unless the state land improvement board shall decide otherwise, and consent in writing, no contract shall be let for an improvement involving less than the equivalent of one section of state land within the limits of any township, unless and until the state shall have no land in such quantity which, in the judgment of the auditor, is suitable for improvement under this act. ('17 c. 164 § 5)

6335. Same—The auditor shall determine the extent of the improvements to be made on any area, the character of the improvements to be as provided in this act; provided that not more than five acres shall be cleared on each forty-acre tract and the total cost of the improvements on any area improved shall not exceed \$300.00 on each forty (40) acre tract. ('17 c. 164 § 6)

6336. Contract awarded to lowest responsible bidder—The work of making any improvements upon state lands, authorized by this act, shall be done under contract by the lowest responsible bidders. Contracts may be let for different classes of work separately or combined, or for different tracts in the same selected area separately or combined. The contractor may be paid for his work either on its completion or from time to time during its progress as the state auditor shall determine; provided that no payment shall be made until a competent inspector appointed by the auditor shall have examined the work and shall have certified that the work was done well and fully justifies the payment. Contracts shall be let under such regulations, terms and conditions as the state auditor, with the advice and consent of the state land improvement board, may determine. ('17 c. 164 § 7)

6337. Actual cost to be apportioned—The actual cost of the improvement of any selected area, and a proper proportion of the cost of the administration of

this act, shall be apportioned in equal portions to the forty-acre tracts upon which any such improvement is made, to be repaid to the state as hereinafter provided; provided that the cost of administration to be so charged shall include only the expenses actually incurred by reason of this act and shall include no charges for the general administration of state lands as otherwise provided for by law. ('17 c. 164 § 8)

6338. Sale of lands improved—Lands improved under this act shall be sold as are other state lands, provided, that the cost of improvements apportioned to any tract shall be paid for by the purchaser of such tract as a sum independent of the purchase price of the land itself, and provided further that every purchaser of a tract so improved shall sign an agreement in writing that he will establish his residence upon such tract within eighteen months of the date of purchase, that he will cultivate and further improve it in a husbandlike manner, and that he will so maintain his residence and so cultivate and improve the land until the cost of improvements apportioned to that tract are paid to the state in full. Such agreement shall be a condition of the sale and its breach shall terminate the contract of sale, unless within three months after notice given by the state auditor, residence is established on the land purchased, and unless such residence is maintained and the other conditions agreed to be performed for the period herein provided. Provided, however, that the condition in said contract as to actual continuous residence on said land may be waived by the state auditor when because of the death of the purchaser or for other good cause arising after the establishment of such residence he believes such waiver will be just and equitable to all concerned. ('17 c. 164 § 9)

6339. Terms of purchase price—On the sale of any lands improved under this act the purchaser shall pay at the time of sale a sum equivalent to 15% of the purchase price of the land, exclusive of improvements, which sum shall be received by the state auditor in part payment of the cost of such improvements, in lieu of the part payment of the purchase price of the land provided for in Section 5210, General Statutes 1913, and the same shall be turned into the revolving fund herein provided for. The purchase price of the land, exclusive of improvements, shall be payable at any time within forty years at the option of the purchaser, as provided in section 5210, General Statutes of 1913. The balance of the cost of such improvements shall be payable twenty-five (25%) per cent in two years from date of purchase, twenty-five (25%) per cent in three years from date of purchase, twenty-five (25%) per cent in four years from date of purchase, and twenty-five (25%) per cent in five years from date of purchase. The purchaser shall have the privilege of paying any larger sum at any time. Interest at four (4%) per cent per annum shall be collected annually on all accounts remaining unpaid. The state shall have a first lien upon the land for the interest and unpaid principal of the cost of such improvements. ('17 c. 164 § 10)

Explanatory note—For G. S. 1913, § 5210, see § 6267, herein.

6340. Revolving fund to be credited from proceeds of sale—As soon as any tract of land improved under this law shall have been sold or disposed of under contract of sale with agreement on the part of the purchaser to pay for such improvements, as provided, in this act, the state auditor shall credit to the revolving fund the principal amount contracted to be

paid for such improvements by the purchaser. Such amount when collected in whole or in part shall thereupon become a part of the revolving fund provided for by this law, and may again be expended for the purpose of carrying out this act. It shall be a first lien on the interest of the person holding the certificate or other title to such land. ('17 c. 164 § 11)

TRESPASS ON STATE LANDS

6341 to 6346. [Superseded.]

These sections (Laws 1905, c. 204, §§ 1 to 6) are superseded by Laws 1925, c. 276, § 1. See §§ 6334-1, 6334-3, 6334-4, 6334-5, 6334-6, herein.

Prior laws—1895 c. 163 was constitutional (99-158, 108+935; 102-470, 113+634, 114+738).

1895 c. 163 § 7 cited (106-1, 115+162).

Finding that trespass was willful was not sustained by evidence (102-470, 113+634, 114+738). In action under 1895 c. 163 § 7 to recover treble damages, time limit was three years (99-392, 109+703. See 95-272, 104+240). Rule of damages, under 1905, c. 163, in action by state for conversion of timber cut and removed, commenced more than three years after trespass (109-123, 123+154). This act is not a violation of Constitution, Article 4, No. 27, providing that no law shall embrace more than one subject, which shall be expressed in its title (128-300, 150+912).

TIMBER LANDS

6347 to 6352. [Superseded.]

These sections (Laws 1905, c. 204, §§ 7 to 12, as amended by Laws 1919, c. 296, § 1 and Laws 1923, c. 30, § 1) are superseded by Laws 1925, c. 276, § 1. See § 6394-1, herein.

The state land commissioner in 1899 had no jurisdiction to sell pine timber from state lands, in the absence of full compliance with the requirements of sections 11 and 18 of chapter 163, Laws 1895. 157-7, 195+495.

Decision of commissioner determining whether land chiefly valuable for timber cannot be reviewed in collateral action after patent (100-16, 110+371); or after certificate of sale (109-185, 123+411).

195+497.

62-99, 64+81.

1895 c. 163 § 11 cited (102-470, 113+634; 114+738).

6353. State appraiser and duties—The state auditor is hereby empowered to appoint one or more employees to be known as state appraiser. Whenever it is necessary to appraise state lands under the terms of existing law the state auditor shall appoint as such appraiser on the part of the state land commissioner or state auditor, one of the state appraisers duly qualified as herein provided, who shall except as herein otherwise provided, hereafter perform the duties heretofore devolved upon state land examiners or timber estimators. ('17 c. 162 § 1)

§ 6 repeals inconsistent acts and parts of acts. See § 6394-11, herein.

6354. Timber to be estimated and appraised—The duties of such state appraiser shall be to estimate and appraise timber upon all state lands; to make valuations of lands suitable for agricultural purposes; to check scale timber cut from state lands in trespass either situated upon state lands or removed therefrom; to check-scale any scale of timber cut on state land; to make check scales by the stump and top or any other method of timber removed from state lands; and to perform such other duties as may be assigned to him by the state auditor. Nothing contained in this act, however, shall be construed to in any way amend the provisions of title 1, chapter 38, General Statutes 1866, or any act amendatory thereto relating to the appointment of appraisers by officials other than the state auditor. ('17 c. 162 § 2)

Explanatory note—G. S. 1863, c. 38, Title I related to school lands. These statutes were repealed by R. L. '05, § 5518 (§10952 herein). See § 6394-11.

6355. Oath of office—Each such state appraiser shall before entering upon the duties of his office take and subscribe an oath before a person qualified to administer oaths, that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability, and that he is not interested directly or indirectly in any of the state lands or materials improvements thereon, and has entered into no combination to purchase the same or any part thereof, which said oath shall be made a part of the bond as hereinafter provided for. ('17 c. 162 § 3)

See § 6394-11.

6356. Bond and duties of appraiser—At the time of the appointment of any such state appraiser he shall give a bond to the state in a penal sum of not less than \$5,000 conditioned for the faithful performance of his duties, which bond shall be approved by the attorney general, and together with the oath as hereinbefore provided for, be filed in the office of secretary of state. Such bonds shall be paid for out of the general land, timber, swamp or contingent fund of the auditor of the state.

Every such state appraiser is hereby authorized to arrest any person found trespassing, or to have trespassed, upon state lands and deliver him to the sheriff of the county, and such state appraiser shall immediately enter a complaint before a court of competent jurisdiction in said county charging the person so arrested with such trespass, and the person so charged shall be arraigned and given a hearing on such complaint.

Such state appraiser shall wear when upon duty a badge of office to be designated and provided by the state auditor.

It is hereby declared a misdemeanor for any person not a duly appointed and acting state appraiser to wear a badge or to impersonate or claim to be a state appraiser.

Whenever an appraisal or valuation is made upon lands suited for agricultural purposes, such state appraiser shall place an estimate and valuation of any timber thereon, and make a separate report thereof; such report shall be made from his field notes made on the land and be by him entered in his own hand in a book kept for that purpose, and shall be made a part of the record of the state auditor's office, such entry shall be dated when made and sworn to upon the record at the same time the state appraiser shall file in the state auditor's office all plats and field notes made by him, and affix his signature to each said plat and to each said page of the field notes. Such records shall show that said state appraiser was actually upon the land when such estimate and valuation was made.

No such report shall embrace more than one section or fractional section of land according to the government survey thereof, and shall show the amount of timber upon each forty acre tract or subdivision; provided, however, that as ownership may appear to each subdivision of land so appraised in the various trust funds of the state, so shall all appraisements, sales, and accountings therefor be done according as such title may appear as of record in the office of the state auditor; and provided further, that where appraisals, sales, and accountings heretofore made have not been made in accordance with this provision, the state auditor is authorized to make such apportionment to the various funds as he may deem equitable and just to each such fund, and such apportionment is hereby legalized and confirmed.

The report shall state the amount of each kind of

timber, the value per thousand feet, and the value per piece of all such timber.

In making such estimate and valuation the appraiser shall take into consideration distance of the timber from the nearest lake, stream, or railroad, and the character of the land, what amount, if any, of the timber has been burned, and the extent and character of such burning; the situation of the timber relative to risks from fire or damage of any kind, and the injury which will result in the prospective price that may be obtained in the future by reason of the removal of timber operations contiguous to or in the community of, such tract, thereby leaving such tracts isolated and the value of the timber to the State thereby lessened. ('17 c. 162 § 4)

See § 6394-11.

6357. False reports declared a felony—Every such State Appraiser, who shall make a false report, or insert in any such report a false date, estimate appraisal, valuation quantity or statement of whatever nature; or shall make any such report without having examined the land embraced therein, or without having actually been upon the land; or who in executing his oath of office; or who in stating his qualifications as State Appraiser to the state auditor for the purpose of securing such appointment or who shall insert therein any false statement, shall be guilty of a felony. ('17 c. 162 § 5)

See § 6394-11.

6358 to 6365. [Superseded.]

These sections (Laws 1905, c. 204, §§ 13 to 20, as amended by Laws 1909, c. 476, § 1, Laws 1913, c. 383, § 1, Laws 1917, c. 322, § 1, Laws 1917, c. 325, § 1, Laws 1917, c. 326, § 1, Laws 1917, c. 327, § 1, Laws 1919, c. 485, § 1, and Laws 1923, c. 411, §§ 1, 2) are superseded by Laws 1925, c. 276, § 1. See § 6394-1, herein.

163-141, 203+979.

Under 1895 c. 163 § 18 indorsement on appraisal that sale was necessary to protect state from loss held jurisdictional to valid sale (107-54, 119+387).

1895 c. 163 § 18 cited (102-470, 113+634, 114+738).

102-470, 113+634; 114+738; 196-1, 115+162; 107-54, 119+387; 140-48, 167+292.

128-300, 150+912; 145-326, 177+137.

6366. [Superseded.]

This section (Laws 1919, c. 483, § 1) superseded by Laws 1925, c. 276. See infra, §§ 6394-3, 6394-17.

6367. [Superseded.]

This section (Laws 1905, c. 204, § 21, as amended by Laws 1913, c. 530, § 1 and Laws 1919, c. 489, § 1) is superseded by Laws 1925, c. 276, § 1. See § 6394-1, herein.

102-470, 113+634, 114+738.

Certain state timber permits extended, See '17 c. 36; Ex. Sess. '19 c. 46; '23 c. 281.

6368, 6369. [Superseded.]

These sections (Laws 1917, c. 441) are superseded by Laws 1925, c. 276. See § 6394-1 to 6394-40, herein.

See '23 c. 280 relating to adjustment of timber permits which provided it should not continue after June 1, 1923.

6370 to 6373. [Superseded.]

These sections (Laws 1905, c. 204, §§ 22 to 25, as amended by Laws 1923, c. 31, § 1) are superseded by Laws 1925, c. 276, § 1. See § 6394-1, herein.

140-70, 167+294; 145-326, 177+137.

106-1, 115+162; 106-534, 115+167.

Cancellation of timber permits before their expiration, authorized in certain cases. See '17 c. 314.

The evidence sustains the finding that the volume tables used in rescaling the timber in controversy were accurate for timber of that character. 163-141, 203+979.

The evidence sustains the finding that no timber taken by trespassers was included in the rescale. 163-141, 203+979.

The evidence sustains the finding that the original scale reported to the state was incorrect and false, and known to be so by those who made it. 163-141, 203+979.

6374. [Superseded.]

This section (Laws 1909, c. 342, § 1) is superseded by Laws 1925, c. 276. See §§ 6394-1 to 6394-40, herein. 163-141, 203+979.

6375, 6376. [Superseded.]

These sections (Laws 1905, c. 204, §§ 26, 27) are superseded by Laws 1925, c. 276, § 1. See § 6394-1, herein. 122-400, 142+717.

6377.

See note to § 6378, infra. See also, § 6394-25, infra.

6378.

This section supersedes § 6617, infra. See, also, § 6394-25, supra, and note thereunder.

6379 to 6393. [Superseded.]

These sections (Laws 1905, c. 204, §§ 29 to 43, as amended by Laws 1911, c. 194, § 1 and Laws 1913, c. 114, § 1) are superseded by Laws 1925, c. 276, § 1. See § 6394-1, herein.

106-1, 115+162.

1895 c. 163 § 37 cited (106-1, 115+162).

The state not estopped in an action to recover double value of timber taken because commissioner gave defendant to understand that further extension of permit would be granted, and who proceeded in good faith, and state received payment (102-470, 113+634, 114+738).

Cited (140-48, 167+292).

1895 c. 163 § 40 cited (109-123, 123+54).

This act is applicable to a trespass committed prior to its enactment by one holding a permit to cut timber of not less than a specified size, in cutting timber of a less size.

(128-300, 150+912).

6394. [Superseded.]

This section (G. S. 1913, § 5303) is superseded by Laws 1925, c. 276. See §§ 6394-1 to 6394-40, herein.

Cited (106-58, 118+63).

STATE TIMBER ACT.

6394-1. Laws revised, expanded and superseded—Rights, obligations, etc., arising thereunder—Citation of law—This act shall be deemed and construed as a revision and expansion of, and is intended to supersede and take the place of, Chapter 204, General Laws of Minnesota for 1905, and acts amendatory thereof and supplemental thereto and other laws relating to the same subject matter, but without in any way abridging or destroying the effect of said laws heretofore in force with respect to any right or obligation arising or any matter or thing occurring prior to the taking effect of this act.

This act may be cited as the State Timber Act ('25, c. 276, § 1)

Explanatory note—For Laws superseded, etc., see notes to §§ 6341 to 6394, herein.

6394-2. Definitions—For the purposes of this act the following words and terms have the following meanings, to-wit:

(a) The word "auditor" means the state auditor.

(b) The term "timber board" means the board of timber commissioners, and their successors in authority by whatever name or title designated.

(c) The term "state appraisers" means the same as in Chapter 162, Session Laws of 1917, creating state appraisers, which includes timber estimators and land examiners.

(d) The term "surveyor general" means the state surveyor general of logs and lumber, and the term

"deputy surveyor general" means one of his deputies, as defined in Chapter 440, Session Laws of 1919.

(e) The word "timber" means trees, whether standing or cut or down, logs, posts, poles, ties, paving blocks, laths, shingles, cordwood, and lumber and forest products of every species and description.

(f) The term "merchantable timber" means and includes all logs or pieces from which lumber or forest products of value can be made.

(g) The term "permit holder" means the person holding the right to cut timber under a permit.

(h) The word "person" means and includes any natural person acting in his own right or in any representative capacity, and any corporation, firm, or association of whatever nature or kind; the masculine includes the feminine, and the singular includes the plural, wherever the context so requires to give full force and effect to all the provisions of this act. ('25, c. 276, § 2)

Explanatory note—For Laws 1917, c. 163, see §§ 6353 to 6357, herein.

For Laws 1919, c. 440, see §§ 6603 to 6610, herein.

6394-3. Trespasses on state lands—Damages—Possession of timber unlawfully cut—Civil liability—Trespass as felony—Whoever, without valid permit, shall cut any timber upon the lands owned by this state, or remove or carry away any such timber or any other property belonging or appertaining to said lands, or shall commit any other trespass upon said lands, or shall induce or assist another so to do, shall be liable in an action brought by the state, in treble damages, if such trespass is adjudged to have been wilful, but in double damages only if such trespass is adjudged to have been casual and involuntary. But no trespass shall be adjudged casual or involuntary unless some good and sufficient reason shall be shown why the person committing such trespass did not know that the lands on which such timber was unlawfully cut were owned by the state. And any person found to have acquired possession in any manner whatsoever of any timber unlawfully cut on lands owned by this state shall be conclusively presumed to have acquired such timber with knowledge that the same was so unlawfully cut, and shall be liable to the state in a civil action for twice the value thereof, and it shall be no defense in any action to plead or claim a purchase of such timber from anyone other than the auditor, nor shall such defendant be allowed to claim that any other person should be joined as defendant; and he shall have no right whatsoever to any remuneration or allowance for labor or expenses incurred in preparing such timber for market or transporting the same to or towards market. And every such trespass wilfully committed shall be deemed a felony. ('25, c. 276, § 3)

6394-4. Possession of lands contrary to conditions or covenants in lease, certificate of sale, permit, etc.—Eviction and damages—Restraining trespass, waste, etc.—If any person holds or continues in possession of any lands mentioned in this act contrary to the conditions or covenants of any lease, certificate of sale, permit, or other written agreement, he shall be liable to an action of forcible entry and detainer, or any other proper action for the recovery of possession of such lands, and damages for the detention of the same. And the commission of trespass or waste upon said lands, or the destruction or removal therefrom of timber or other property may be restrained, enjoined, or otherwise prohibited by any court of competent jurisdiction at the suit of the state pending final determin-

ation of the rights of the state therein, and permanently thereafter, as the facts may warrant. No bond shall ever be required of the state in any such injunctive proceeding. ('25, c. 276, § 4)

6394-5. Prosecutions by Attorney General—Duties of county attorneys—The attorney general shall prosecute, or cause to be prosecuted by the county attorney, whenever the public interest so requires, any person who may be charged with any indictable offense under this act.

The county attorneys of the several counties shall promptly report to the auditor all trespasses committed upon the lands mentioned in this act which may come to their knowledge, and, when directed by the attorney general, shall prosecute all actions for any trespass or injury thereto, and for the recovery of the possession thereof, or otherwise. ('25, c. 276, § 5)

6394-6. Proceeds of sales of timber seized and damages recovered—Disposition of—The net proceeds from all sales of timber seized in trespass and from all damages recovered on behalf of the state for any trespass or other injury upon or to any of the lands in charge of the auditor shall be paid over to the state treasurer, for the benefit of the fund to which the same properly belongs. ('25, c. 276, § 6)

6394-7. Board of timber commissioners—Conditions precedent to sales of timber—The governor, treasurer, auditor, state forester, and attorney general, shall constitute a board of timber commissioners of which the governor shall be chairman and the state treasurer vice-chairman. The auditor shall be ex-officio secretary of the board, and he or his deputy shall attend each meeting and make full minutes of the proceedings, which shall be signed at the close of each meeting by the commissioners present, and shall be kept subject to public inspection in the office of the auditor. The governor and two other members shall be a quorum for the transaction of business. Before any timber is sold the auditor shall submit to the board, which shall meet from time to time upon the call of the governor, the question of such sale and shall produce a record of appraisal of such timber made jointly or severally by at least two state appraisers, and the board shall examine the same, together with other documents and records and such witnesses as it may require. If the governor and at least two other members of the board shall so determine, they shall enter upon the record of appraisals a statement, dated and signed by them, that a sale of such timber is necessary to protect the state from loss. Thereafter, and not before, the auditor may make such sale. Whenever any member of the board becomes satisfied, before issuance of a permit, that by reason of fraud or misstatement on the part of any person or by reason of any combination or irregularity, the interests of the state so demand, he may withdraw his approval of any sale, by and entry signed by him upon the record of appraisals. ('25, c. 276, § 7)

Explanatory note—Powers, etc., of Board of Timber Commissioners transferred to Executive Council. See § 53-3, herein.

State auditor as ex officio commissioner of lands and timber. see §§ 53-19 to 53-23, herein.

6394-8. Same—Powers enumerated—A majority of the timber board, at any meeting thereof, shall have power, in addition to all other powers conferred by this or any other act, to do any of the following things, to-wit:

(a) Determine the number of sections or fractional sections of land to be covered by or described in any one report by state appraisers, or in any one timber

permit issued to the purchaser of stumpage on state lands, or in any one contract or other instrument relating thereto and within the jurisdiction of the board; and grant extensions of such timber permits and contracts, whether heretofore or hereafter issued, for and during such period as the board deems advisable, but otherwise subject to all the provisions of this act. But a condition of any extension shall be that the purchaser shall pay to the state interest at the rate of eight per cent (8%) per annum on the unpaid purchase price, as finally computed on the actual scale or count of such timber at the time of cutting thereof, or if not cut then upon the official estimate thereof at the expiration of such extension. No permit shall be extended more than six years from the date of issuance thereof.

(b) Compromise and settle, with the approval of the Attorney General, upon such terms as it may deem just, any claim of the state for casual and involuntary trespass upon state lands or timber where the full stumpage value of such timber so taken in trespass would not exceed one thousand dollars; provided, that no such claim shall be settled in any case for less than the full stumpage value of all timber so taken in casual trespass or the full amount of all actual damage or loss suffered by a state as a result thereof. Said timber board may also make settlement for not less than the full stumpage value of any timber cut by lessees of state lands holding under Chapter 405, Laws of 1919.

(c) Formulate and establish, from time to time, such rules and regulations as it deems advisable for the transaction of the timber business of the state, and abrogate, modify, or suspend such rules and regulations at pleasure.

(d) Appoint one or more agents or cruisers to gather evidence in any action brought by the state or to investigate the correctness of any state appraiser's report or to ascertain whether any timber proposed to be sold is subject to sale, or whether any trespass has been committed on state lands, and may send such agent to examine such timber or lands. Such agents of said timber board, independently of the state auditor and state appraisers, shall report in writing to the Governor, and the money necessary to defray expenses in connection therewith shall be paid upon verified accounts from any funds available for the expenses of said timber board. ('25, c. 276, § 8)

Explanatory note—For Laws 1919, c. 405, see § 6328, herein.

6394-9. Auditor to inquire into timber resources—Protective measures—Advise to board—The auditor shall make thorough inquiry into the extent, character, and value of the timber on all state lands. He shall take such measures as will protect such timber from damage or loss by fire, trespass, or otherwise; and he shall make such regulations, in conformity with the other provisions of this act, for the care and control of such lands and for the sale of the timber thereon, as will best protect the interests of the state. The Auditor shall promptly advise the timber board of any information acquired by him concerning any trespass on state lands, giving all details and names of witnesses. ('25, c. 276, § 9)

6394-10. Sales of timber by auditor—The auditor may sell the timber on the lands in his charge when authorized to do so by the timber board, and not otherwise. When such sale is made, the auditor shall issue to the purchaser a permit, as hereinafter provided, to

cut and remove the same. No sale shall be made before the timber has been estimated and appraised.

But, subject to the restrictions of the state constitution, the auditor with the approval of the state forester or his successor in authority may sell without formalities but for not less than the full appraised value as fixed by any two state appraisers, small amounts of dead, down, dying, or insect infected or diseased timber not exceeding one hundred dollars in appraised value on any forty-acre tract or fractional governmental division of state land; provided, that not more than one such sale shall be made from any one tract in any one calendar year. Every such sale shall be made for cash payable in full in advance, and upon the receipt of such cash the state auditor may informally, by letter or otherwise, authorize the purchaser to cut and remove such timber within one year from the date of sale under the supervision and restrictions as the auditor or any state appraiser by him designated shall deem advisable. The purchaser shall dispose of slashings according to law, shall be liable under this act in trespass for cutting or unnecessarily injuring any timber not included within the sale made to him under this paragraph, and shall be otherwise subject to all the laws governing the sale and removal of state timber so far as practicable. ('25, c. 276, § 10)

6394-11. State appraisers—Duties and powers—Reports, books and records—Superintendent of state timber—State appraisers appointed pursuant to Chapter 162, Session Laws 1917, and acts amendatory thereof or supplementary thereto, may perform any of the duties specified in said act and amendments, and in addition thereto shall perform any and all other duties which the state auditor may require of them in connection with state lands and timber. Such appraisers are hereby also empowered to rescale, check-scale, or otherwise test the accuracy of scaling of state timber done by the surveyor general or his deputies as required of the auditor by Section 3 of Chapter 440, Session Laws 1919; to appraise and place a valuation upon any state lands or any state timber or any interest therein anywhere; to cruise and estimate any standing timber, and scale or rescale or check-scale any cut timber, in which the state is interested; to examine any state lands from which timber has been cut and ascertain by count, by scale (either by stump or stump and top or other appropriate method), by cruise and estimate, or by any other reasonably accurate means, the amount of timber cut and removed from or left cut or standing upon such lands, and to report the same to the auditor; with the consent of the auditor to perform any of the duties of a deputy surveyor or general when designated or requested so to do by the surveyor general; and generally to supervise the cutting and removal of timber on or from state lands so far as may be reasonably necessary to insure compliance with the terms of the permits or other contracts governing the same and protect the state from loss.

The form of reports to be made and books, records, and notes to be kept by state appraisers shall be adequate to record the amounts, kinds, and descriptions of all timber cut from state lands by them reported upon, and otherwise to carry out the provisions of this act, and shall be such as the auditor designates and prescribes. All such reports, books, records, notes, etc. (except such as are made by any appraiser acting as a deputy state surveyor general) shall be filed in and shall become a part of the records of the office of the auditor; and the originals or copies thereof certified

by the auditor shall be deemed prima facie true and correct and shall be admissible in evidence in all the courts of this state. The books, records, notes, and reports of any state appraiser, when examined and approved by the surveyor general or when made while acting as deputy surveyor general, may be filed in the office of the state surveyor general and shall be admissible in evidence by certified copy or otherwise to the same extent and shall have the same effect in all respects as though made by a regular deputy surveyor general.

The auditor may designate some properly qualified employe of his department to act as superintendent of state timber, and to perform such duties in that connection as said auditor shall prescribe. Such superintendent of state timber shall give a good and sufficient surety bond, in form to be prescribed by the attorney general and in the penal sum of not less than twenty-five thousand dollars, conditioned upon the faithful and honest performance of his duties as such superintendent of state timber. But the auditor shall also be responsible for the acts of such superintendent, and may remove or replace him at pleasure. At the discretion of the auditor such superintendent may be charged with general supervision over all state appraisers, but subject always to the superior control of the auditor. ('25, c. 276, § 11)

Explanatory note—For Laws 1917, c. 162, see §§ 6353 to 6357, herein.

For Laws 1919, c. 440, § 3, see § 6605, herein.

6394-12. Rescales recounts and re-estimates of timber by auditor and surveyor general—Upon complaint of any interested permit holder questioning the accuracy of any scale, count or estimate of timber made by any state appraiser, the auditor, at his discretion, or of his own motion when no complaint is pending, may cause a rescale, recount, or re-estimate thereof to be made jointly by any two or more state appraisers (but shall not be deemed obligated to do so in any case), which, when made, shall supersede and for all purposes take the place of said original scale, count, or estimate, if and only when the same varies more than ten per cent from said original. But as a condition precedent to the making of any such rescale, recount, or re-estimate, upon the complaint of any person, the auditor at his discretion may require such person to make irrevocably available such sum of money as said auditor deems necessary for the actual expenses thereof, and to forfeit same to the state if such rescale, recount, or re-estimate does not vary more than ten per cent from the original. All such forfeited money shall be paid into the state treasury and credited to the fund or account from which the expenses of such rescale were paid.

In like manner, upon the same conditions, and with like effect, the surveyor general may at his discretion cause a rescale to be made of any timber originally scaled by a deputy surveyor general. ('25, c. 276, § 12)

6394-13. Timber to be sold at public auction—Place and notice of—Lists—Posting and copies—No timber shall be sold, except to the highest bidder at public auction, and the minimum price shall be the appraised value as fixed by the record of appraisals. All sales, except as otherwise hereinafter provided, shall be held at the state capitol in St. Paul, Minnesota. The auditor shall give three weeks' published notice thereof in one or more daily newspapers, published in each city of the first class, and also in his discretion may give preliminary or further notice thereof by the publication of display advertisements or other notices in any

newspaper, if in his judgment the same will give information of such sale to prospective bidders for such timber.

At least 30 days before the date of sale, the auditor shall compile a list containing a description of each tract of land upon which any timber to be offered is situated, and a statement of the quantity of timber thereon, and of the appraised price of each kind of timber thereon, as shown by the official estimate. No description shall be added after the list is compiled and posted as herein provided, and no timber shall be sold from land not described therein. Copies of the list shall be furnished to all interested applicants. A copy of such list shall be conspicuously posted in the office of the auditor and in the office of the county auditor of each county in which any of said lands are situated at least thirty days prior to the date of sale, and extra copies of such posted lists shall be furnished to each county auditor for distribution to applicants. The published notice of sale shall make reference to the posted lists for a description of the lands from which timber is offered for sale and of the kinds and estimated quantity thereof. ('25, c. 276, § 13)

6394-14. Sales of stumpage—Notices—The timber board may authorize the auditor to sell the stumpage on any tract of state land at public auction to the highest bidder, at the county seat of the county in which such tract is located. He shall give three weeks' published notice of any such sale in a paper published at the county seat of the county where such land is situated. He may also give such other published or posted notice as he deems proper to reach prospective bidders or purchasers. The required notice of sale first above mentioned shall contain a description of each tract of land upon which is situated any timber that is to be offered, and a statement of the estimated quantity of each kind of timber thereon, and of the appraised price of each kind of such timber, per M. feet, or per piece, or per cord, as the case may be. ('25, c. 276, § 14)

6394-15. Number of sales of timber in each year—Except as provided in this and the preceding section, there shall be only one sale of timber in each year, which shall be held not later than November 1st, and may be adjourned from day to day, but no longer, until complete; provided, that in case of emergency, if the timber board shall unanimously determine that it is for the best interests of the state that more sales shall take place before the next regular sale, they shall be held under the same regulations, so far as practicable as are provided for regular sales. ('25, c. 276, § 15)

6394-16. Manner of sale of log timber, etc.—Payments for by purchasers—Resales—All state timber estimated and appraised as log timber shall be offered and sold by the thousand feet; timber estimated and appraised as tie, or pole or post timber shall be offered and sold by the tie, or pole, or post, as the case may be; timber estimated and appraised as pulpwood, or lath bolts, or mine lagging, or wood for fuel purposes, shall be offered and sold by the cord; all cords to be single cords. The sale shall be made to the party who shall bid the highest price for all the several kinds of timber as advertised. The purchaser at any sale of timber shall immediately upon the approval of his bid pay to the state treasurer 25 per cent of the appraised value, and the treasurer shall issue duplicate receipts therefor, one of which shall be delivered to the purchaser, and the other filed with the

auditor. In case any purchaser fails to make such payment he shall be liable therefor to the state in a civil action; and the auditor may reoffer said timber for sale as though no bid therefor had been made. ('25, c. 276, § 16)

6394-17. Permits to purchasers to cut and remove timber—Contents—Filing—Duties and rights of purchasers under—State marks, etc.—Upon the delivery and filing of the duplicate receipts mentioned in the preceding section, the auditor shall issue a numbered permit to such purchaser, in a form approved by the attorney general, by the terms of which he shall be authorized to enter upon the land, and to cut and remove the timber therein described, according to the provisions of this act. Such permit shall be correctly dated and executed by the auditor, and signed by the purchaser. Such permit shall cover one or more logging seasons as the timber board shall specify, and the timber shall be cut and removed within the time specified therein. No permit shall be issued to any person other than the purchaser in whose name the bid was made. The permit shall state the amount of timber estimated to be thereon, the estimated value thereof, and the price at which it is sold per thousand feet, per cord, per piece, or by whatever description sold, and shall specify the state marks to be used thereon. Such marks shall be M I N and the permit number. The permit shall provide that the purchaser shall plainly place the specified marks upon the end of every piece of timber cut, and that, in case of any failure to place said marks upon any such piece, the state shall have the right to take possession of the same wherever found. The permit may provide that the purchaser or permit holder may place his own mark upon timber cut under such permit only after the state marks shall have been first plainly placed thereon; but no such mark of the purchaser shall in any way encroach upon, obliterate or obscure the state marks or any part thereof; nor shall any figure be used by the purchaser as his mark or any part thereof. The permit shall contain such other provisions as may be necessary to secure to the state the title of all timber cut thereunder, wherever found, until full payment therefor, and until all provisions of the permit have been fully complied with. The permit shall provide that from the date the same becomes effective until the expiration thereof (including all extensions) the purchaser and his successors in interest shall be liable to the state for the full permit price of all timber covered thereby, notwithstanding and regardless of any subsequent damage or injury thereto or trespass thereon or theft thereof, and without prejudice to the right of the state to pursue such timber and recover the value thereof anywhere prior to payment therefor in full to the state. But upon recovery from any person other than the permit holder, the latter shall be deemed released to the extent of the net amount (after deducting all expenses of collecting same) recovered by the state from such other person. The permit shall also provide that all timber standing on the land and sold shall be cut; that the same shall be cut clean without damage to other timber; that the purchaser shall remove all timber authorized to be cut under the permit; that timber sold by board measure but later determined by the state auditor not to be convertible into board measure may be charged for (and shall be paid for) by the piece according to the size, species, or value of each piece or cord, as may be determined by the timber board; that the purchaser shall pay to the state the permit price for all timber authorized to be

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cut, including timber which he fails to cut and remove, together with all fees of the surveyor general for scaling same; that the purchaser shall, in writing, notify the surveyor general and also the auditor, at least fifteen days before any cutting is done, at which time such cutting will begin, and at least fifteen days before any timber is removed from the land, at what date such removal will begin.

The permit shall provide that the purchaser shall make a report in writing to the auditor under oath, enumerating and stating the amounts of timber cut under such permit; the kinds of timber removed and the amounts of each in board feet, per piece, in cords, or any other dimension, in the manner and forthwith whenever so required by the auditor. Any false return or report made to the auditor by any such purchaser or permit holder, or by any one representing him, shall constitute a gross misdemeanor.

The permit shall provide that the auditor shall have power to order suspension of all operations under the permit at any time, and any timber cut or removed during such suspension is hereby declared to be cut in trespass. The permit shall further provide that the timber board may cancel the permit at any time when in its judgment the conditions thereof have not been complied with, and such cancellation shall constitute repossession of the timber by the state. The purchaser shall remove his equipment from such land within ninety days thereafter. The permit shall further provide that if the purchaser at any time fails to pay any obligations to the state under all or any other permits, then any or all his permits may be cancelled. The permits shall also provide that any timber removed in violation of the terms of the permit or of any law shall constitute trespass. A provision shall be contained in the permit that the statute of limitations shall not prevent the bringing of any action or proceeding, either civil or criminal, growing out of any violation of any provision of this act, and no statute of limitations shall so operate. The permit shall provide that the purchaser and his successors in interest shall burn or otherwise dispose of all slashings, or other refuse resulting from cutting operations, in the manner now or hereafter provided by law. The permit shall further provide that at any time the state may bring an action or suit to restrain, enjoin, and prohibit the further cutting or removal of timber or the further entry of the permit holder or his representatives upon any of the lands covered by the permit, whenever in the opinion of the attorney general any of the terms of the permit are being or have been violated, which suit shall be without prejudice to any other action or proceeding on behalf of the state.

Any permit failing to conform to the requirements of this section shall be void on its face. All permits shall be filed for record with the auditor. The timber board, state forester, attorney general, and state auditor, or any of them, are hereby specifically empowered to enforce all provisions and all conditions contained in any timber permit executed pursuant to the provisions of this act. ('25, c. 276, § 17)

Explanatory note—Laws 1925, c. 19 reads as follows: "Section 1. The State Board of Timber Commissioners in its discretion, upon the approval of the auditor thereof, may renew and extend to June 1, 1927 any timber permit heretofore issued by the auditor between October 15, 1919, and December 21, 1922, both dates inclusive.

"Sec. 2. Any permit extended under the provisions of this act shall be subject to the charge of eight (8) per cent per annum interest on the entire unpaid purchase price and the destruction of the timber by any cause during the period of such extension shall not relieve

the purchaser for payment of the same, and said purchaser shall be liable to the State therefor as provided for in Section 5278, General Statutes of 1913."

6394-18. Bonds of purchasers—Liabilities on—Subrogation—The purchaser of any state timber, before any permit to him shall become effective for any purpose, shall give a good and valid bond to the state of Minnesota in double the value of all timber covered, or to be covered by said permit, as shown by the sale price bid therefor and the record of appraisal thereof as to quantity, which bond shall be conditioned for and upon the faithful performance by said purchaser and his successors in interest of all the terms and conditions of said permit and all requirements of law in respect to such sales; and said bond shall be approved in writing by the state auditor and filed for record in his office. No person directly or indirectly interested, in law or in equity, in the purchase of said timber shall be accepted as a surety on such bond.

In case of default in payment by the permit holder, the surety upon his bond may make payment in full to the state of all sums of money due under such permit; and thereupon such surety or sureties shall be deemed immediately subrogated to all the rights of the state in, or to, or in respect of, all the timber so paid for; and such subrogated party may pursue said timber and recover therefor, or have any other appropriate relief in relation thereto, which the state might or could have had if such surety had not made such payment. No assignment or other writing on the part of the state shall be necessary to make such subrogation effective; but the certificate of the state auditor, under his hand and official seal, showing the amount of such timber, the lands from which it was cut or upon which it stood, and the amount paid therefor, shall be prima facie evidence of such facts. ('25, c. 276, § 18)

6394-19. Permits assignable—Bonds and rights of assignees—Any permit may be assigned, but only as herein provided. The assignment of any permit shall be in writing, signed and acknowledged by the permit holder. No assignment shall be operative without the approval of the auditor, who, if he shall approve the same, shall endorse his approval thereon, and record the assignment in his office. Before any such approval, the assignee shall give to the state a bond which shall be substantially in the form of, and shall be deemed of the same effect as, the bond required of the original purchaser; but the original bond given by the purchaser and any bond given by any prior assignee shall remain in full force. Provided, however, that the auditor in his discretion may accept the agreement of the assignee and any corporate surety upon such original bond, substituting the assignee in the place of such original purchaser and continuing such original bond in full force and effect as to such assignee. Thereupon, but not otherwise, the permit holder making such assignment shall be released from all liability arising or accruing from things done after such assignment became effective. ('25, c. 276, § 19)

6394-20. Sales void, when—Refunds—Any sale of timber made by fraud or mistake or in violation of the provisions of this act shall be void, the permit issued thereon shall be of no effect, and the holder shall be required to surrender the same. In case of mistake the amount so paid shall be refunded to the purchaser; or at his request the auditor may credit such refund as payment upon any other timber purchased by said permit holder. ('25, c. 276, § 20)

6394-21. Purchase money forfeited, when—If the purchaser of any timber, or his assignee, fails to cut

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and remove any part thereof before the expiration of the permit, he shall nevertheless pay the price therefor; but under no circumstances shall he cut or remove any such timber after the expiration of the permit or extension thereof. ('25, c. 276, § 21)

6394-22. Scaling of timber by surveyor general—Reports thereof—Final examinations of land and timber covered by permits—The surveyor general shall scale all timber cut on lands in charge of the auditor, except as expressly provided otherwise in this act. All scaling shall be done upon the land from which the timber was cut, and all logs scaled shall be numbered consecutively, and the number of each entered upon the minutes of the scaler. No state timber shall be removed from the land where it was cut, until it has been so scaled or counted. Any person removing any such timber from the land where it was cut before it has been so scaled or counted shall be deemed guilty of a felony, and may be prosecuted criminally therefore.

The surveyor general shall make to the auditor separate reports of all such timber by him scaled, covering the respective permits. Each report shall describe the land on which the timber was cut, and state the names of the persons cutting, the person for whom the cutting was done, and the person hauling the timber, the quantities of each kind or species of timber, the state marks used thereon, the number of logs or pieces, and the total number of feet or other units of measurement as the case may be. Each report shall also state specifically whether the scaling was done upon the land from which such timber was cut; whether the cutting was done without unnecessary waste or damage; whether all timber cut has been scaled and reported and whether said timber has been marked with the state marks specified in the permit. The surveyor general shall also report to the auditor any trespass coming to his knowledge.

Final examination of lands and timber covered by any permit may be made by any state appraiser at or subsequent to the expiration of the permit or of any cutting season, and it shall be the duty of such appraiser to ascertain and report the amount of any timber covered by the permit and cut and left on said land or left standing thereon, but he shall not report any timber cut and left which has been marked as scaled by the surveyor general. Such final report of such state appraiser shall be deemed supplementary to the report of the surveyor general, and shall have the same force and effect as though made by the surveyor general.

In the making of any scale of state timber such allowance shall be made for defects therein as will make the same equal to "merchantable" timber as defined in Section 2 of this act. ('25, c. 276, § 22)

Explanatory note—For section 2, see supra. § 6394-2.

6394-23. Deputy surveyors general—Appointment, etc.—For the purposes of carrying out the provisions of this act, the surveyor general may appoint and at pleasure discharge or remove as many deputies as he deems necessary; and any such deputy may do anything required of the surveyor general by this act, but subject to the limitations, conditions, and penalties set forth in Chapter 440, Session Laws 1919. ('25, c. 276, § 23)

Explanatory note—For Laws 1919, c. 440, see §§ 6603 to 6610, herein.

6394-24. Rescales on demand of auditor—If the auditor shall question any scale of state timber made by

the surveyor general he may demand a rescale, and in such case shall serve upon such surveyor general a written notice containing a description of the tract on which a rescale is demanded. The surveyor general shall thereupon appoint one of his deputies, who, together with one or more state appraisers designated by the auditor for that purpose, shall make a correct scale of all timber authorized to be cut from said tract in question, whether the same has been cut and removed, or remains cut or standing on such land; and a report of such scale shall be made and signed by them, and filed for record with the auditor. Such report, if both such deputy surveyor general and such state appraisers agree upon the scale, shall be final and binding upon the state and the purchaser. The state shall pay the surveyor general the sum of \$5.00 for each day necessarily spent by his deputy in making such rescale, in addition to all necessary expenses incurred by him in traveling to and from such land.

Any rescale of state timber, either by state appraisers or (and) by the surveyor general or his deputies, may be a stump scale or a top and stump scale. ('25, c. 276, § 24)

6394-25. Fees and charges for scaling state timber—Liability for—Recovery—The fees and charges of the surveyor general and his deputies for scaling state timber shall be as provided in Chapter 440, Session Laws of 1919, and acts amendatory thereof and supplementary thereto, which are hereby confirmed. The surveyor general may bring any legal action or proceeding against any permit holder or the surety on his bond, or either or both of them, to enforce payment of any amount due him from such permit holder. The liability of the permit holder and his predecessors and successors in interest and their respective sureties for payment of such fees and charges of the surveyor general shall be co-extensive with their liability for payment of the purchase price of timber sold under the permit. ('25, c. 276, § 25)

Explanatory note—For Laws 1919, c. 440, see §§ 6603 to 6609, infra. Section 6617 (G. S. 13, § 5464, R. L. '05, § 2574; Laws 1903, c. 346, §§ 2, 3) fixes a schedule of fees and mileage of the surveyor general for scaling logs, timber and lumber. Section 6678 (Laws 1907, c. 314, § 2), supra, also fixes a schedule of fees and mileage of the surveyor general for scaling logs, timber and lumber, which supersedes § 6617, infra.

6394-26. Scaling timber for state—By whom performed—Scales, etc., how changed—Settlement or compromise of state claims for timber from state lands—Offenses by surveyor general, deputies and state appraisers—Penalty—Not to be reappointed—No state timber shall ever be scaled for or on behalf of the state by any person except a state appraiser, or the surveyor general or one of his deputies. No scale, count, measurement, or estimate of state timber officially made and reported by any state appraiser or the surveyor general or any deputy surveyor general shall ever be changed or altered by any other person, nor superseded or set aside in any manner except as expressly provided in this act. But reappraisals of unsold state land or timber may be made whenever and as often as deemed advisable by the auditor. Except as herein expressly provided and as generally authorized by Section 67, Revised Laws 1905 (being Section 112, General Statutes 1913), no claim of the state for timber from state lands shall ever be settled or discharged for less than the full amount thereof as shown by the scale or estimate of the surveyor general, or (and) of state appraisers as the case may be.

Any surveyor general or deputy surveyor general or

state appraiser who shall accept any compensation or gratuity for his services as such from any other source except the State of Minnesota, or who shall make any false report of timber scaled, or insert in any such report any false statement, or omit from any such report any statement required by law to be made therein, or who shall fail to report any trespass committed upon state lands which has come to his knowledge, or who shall conspire with any other person in any manner by act or omission or otherwise to defraud or unlawfully deprive the State of Minnesota of any land or timber or the value thereof, shall be guilty of a felony. Any material discrepancy between the facts and the scale returned by any such person scaling timber for the state shall be considered prima facie evidence that such person is guilty of violating this statute.

No state appraiser or surveyor general or deputy surveyor general who has been once discharged for cause shall ever again be appointed. But this provision shall not apply to resignations voluntarily made by and accepted from such employes. ('25, c. 276, § 26)

Explanatory note—For Gen. St. 1913, § 112, see § 122, herein.

6394-27. Marking timber cut on state lands—Sale, etc., without marking a gross misdemeanor—Every person who shall cut timber on state lands, and fail to mark the same as provided by law and the permit under which the same was cut, or shall place any other mark thereon except as provided in this act, and every person who shall sell, transfer, or manufacture any timber cut on state lands, before the amount due to the state therefor shall have been paid, shall be guilty of a gross misdemeanor. ('25, c. 276, § 27)

6394-28. Auditor's record of timber sales—Entries in—The auditor shall keep a record of all sales of timber in a book to be known as the timber sales book, and shall enter therein at the time each tract of timber is sold, and before selling another tract, the name of the purchaser, the price, and a description of the tract on which the timber is situated. ('25, c. 276, § 28)

6394-29. Auditor's stumpage book—Entries in—The auditor shall keep a stumpage book in which he shall enter a description of each tract of land from which any timber is sold; the name and date of the report of the state appraisers; the kind, amount, and value of the timber as shown by such report; the date of approval of the sale of the timber; the date of the sale; the price for which the timber was sold; the name of the purchaser; the number, date of issuance and date of expiration of each permit; the date of any assignment of the permit; the name of the assignee; the dates of the filing and the amounts of the respective bonds given by the purchaser and assignee; the names of the sureties thereon; the amount of timber taken from the land; the date of the report of the surveyor general and state appraisers; the marks used upon the timber as reported; the names of the deputy surveyor general and the state appraisers who scaled the timber; the amount paid for such timber and the date of payment, together with a specific reference to all correspondence relating to the land covered by the permit. ('25, c. 276, § 29)

6394-30. Statements by auditor of timber cut under permits—Payments by purchasers—Title passes, when—Upon receipt of the surveyor general's report of the amount of timber cut under any permit, the auditor shall prepare a statement of the amount due therefor by the terms of the permit, and shall place in the hands of the state treasurer a duplicate thereof. Payment of such amount shall be made by the purchaser

or assignee, as the case may be, to the treasurer, who shall give duplicate receipts therefor, one of which shall be filed with the auditor. Any partial payment received may be applied to any items on the statement as the auditor shall determine.

Whenever actual cash in the full amount due under such permit for said timber shall have come into the state treasury in payment thereof, but not before, the title to said timber shall pass from the state. ('25, c. 276, § 30)

6394-31. Deferred payments—Interest on—Collection—Sale of timber for—Sureties on bonds not released—If the amount of such statement be not paid immediately, it shall bear interest at the rate of eight per cent per annum from date; and, if not paid within thirty days, the treasurer shall place the account in the hands of the attorney general, who shall proceed to collect the same. Whenever the auditor shall deem it for the best interest of the state, he shall take possession of the timber for which such amount is due, wherever the same may be found, and sell the same at public auction. The proceeds of such sale shall be applied, first, to the payment of the expenses of seizure and sale; and second, to the payment of the amount due for such timber, with interest; and the surplus, if any, shall belong to the state; and, in case a sufficient amount is not realized to pay such amounts in full, the balance shall be collected by the attorney general. Neither payment of such amount, nor the recovery of judgment therefor, nor satisfaction of such judgment, nor the seizure and sale of such timber, shall release the sureties on any bond given pursuant to this act, or preclude the state from afterwards claiming that such timber was cut or removed contrary to law, and recovering damages for the trespass thereby committed, or from prosecuting the offender criminally. ('25, c. 276, § 31)

6394-32. Timber unlawfully cut or removed from state lands—Auditor to take possession of and sell—The auditor shall take possession of any timber heretofore or hereafter unlawfully cut upon or taken from, any land owned by the state, wherever found, and may sell the same at public auction after giving such notice as he deems reasonable, and after deducting all the expenses of such sale the proceeds thereof shall be paid into the state treasury to the credit of the proper fund; and whenever any timber so unlawfully cut has been intermingled with any other timber or property so that it cannot be identified or plainly separated therefrom the auditor may so seize and sell the whole quantity so intermingled, and in such case the whole quantity of such timber shall be conclusively presumed to have been unlawfully taken from state land. But when the timber unlawfully cut or removed from state land is so seized and sold such seizure shall not in any manner relieve the trespasser who cut or removed, or caused the cutting or removal of any such timber, from the full liability imposed by this act for the trespass so committed, but the net amount realized from such sale shall be credited on whatever judgment is recovered against such trespasser, and in addition to any other penalty provided by law, any person who shall remove, transport, carry away, conceal or convert to his own use any timber unlawfully cut on state lands, knowing the same to have been so cut, shall be guilty of larceny of the same and may be prosecuted and punished accordingly in the county where said property was cut or in any county into or through which said property or any part thereof may be removed; and when any corporation is guilty of the acts

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herein declared to be larceny each officer of such corporation shall individually and severally be deemed guilty of such larceny.

So far as permitted by the state constitution, the auditor, or any employe by him authorized, may determine the manner and method of sale or disposal of any timber seized hereunder and said auditor, or any employe by him authorized, may provide for the transportation of all such timber to available markets or places for advantageous sale thereof or to places suitable for storage or preservation thereof, or may do such other things as seem reasonably necessary to realize ultimately the largest net price therefor. All reasonable and necessary expenses so incurred shall be deemed a part of the expenses of sale of such seized timber and shall be paid from the proceeds thereof. The auditor shall keep and enter upon his books a detailed account of all expenses so paid. But the auditor may advance from the moneys appropriated for the expenses of said auditor all reasonable and necessary expenses incident to such transportation, sale, or preservation of such seized timber, but said advances shall be returned to said auditor's appropriation as soon as sufficient money is received therefor from the proceeds of the sale of such timber. ('25, c. 276, § 32)

6394-33. Auditor's record of trespasses—The auditor shall keep a book in which he shall enter all trespasses reported, with the minutes of all estimates and appraisals and settlements thereof, together with references to any correspondence relating thereto. But such record may be made in connection with the timber sales book or stumpage book required by this act to be kept, if the auditor so elects. ('25, c. 276, § 33)

6394-34. Rewards for apprehension of trespassers—The following rewards shall be paid to any person or persons giving to the proper authorities any information which shall lead to the detection and conviction of any persons violating any of the provisions of this act, to-wit: \$25.00 reward if the value of the timber so unlawfully cut or removed shall not exceed the sum of \$25.00; \$50.00 reward if the value of timber shall not exceed \$50.00; and \$100.00 reward if the value of such timber shall exceed the sum of \$100.00; and the court before whom such person or persons so violating the provisions of this act shall have been tried shall, upon application of any person claiming to be entitled to such reward, examine such claim in a summary manner, and determine whether or not such person claiming said reward is entitled to the same, and if it should appear to the satisfaction of said court that such person claiming such reward is entitled to the same, then and in that case a certificate of such facts shall be made by such court and delivered to said person, which shall be deemed evidence of his right to such reward. The timber board shall pay same from any funds appropriated for expenses of said board. ('25, c. 276, § 34)

6394-35. Loggers' notices—Posting—Failure to post—Penalty—Rewards to informers—Every person engaged in the cutting of timber upon any of the land belonging to the state, shall, before cutting any such timber, post in a conspicuous place in any camp or other building occupied by his employes engaged in such cutting, or if there be no such building then on and at the northwest corner of each forty-acre governmental subdivision or at the nearest corresponding point in each fractional subdivision, a notice which shall contain a full description of the lands proposed by him to be cut, the period during which the cutting is pro-

posed to be done, and which said description shall contain the precise description of said land by forty-acre tracts, or fractions thereof by governmental subdivisions, and shall include the section, town, and range; and such person or persons so engaged in cutting timber as aforesaid shall be required to keep said notice conspicuously posted in such place during the entire time that he is engaged in cutting such timber; and before cutting any such timber he shall forward by registered mail a copy of such notice with his post-office address to the state forester at the state capitol, St. Paul, Minnesota. Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than twenty days nor more than ninety days.

Any person or persons giving to the proper authorities information which shall lead to the conviction of any person guilty of a violation of this section shall receive the sum of twenty-five dollars (\$25.00) reward, to be ascertained and paid in the manner provided herein for the payment of the rewards under the last preceding section (34) of this act. ('25, c. 276, § 35)

6394-36. Auditor's records as notice—The records kept by the auditor pursuant to this act shall be deemed notice of the facts therein set forth. And all such records shall be prima facie true and correct. ('25, c. 276, § 36)

6394-37. Statutes of limitations not applicable—Venue of civil or criminal proceedings—The statutes of this state limiting the time for bringing either civil or criminal actions shall not apply to any action brought by the state for trespass upon any of its lands, or for violating any of the terms of the permit under which timber is removed from state lands, or for failure to pay the state for all the timber removed under any such permit, or to any criminal prosecution instituted under this act. Any civil action brought under this act may, at the election of the attorney general, be brought in any county in this state. ('25, c. 276, § 37)

6394-38. Laws not affected—Nothing in this act shall be deemed or construed as authorizing the sale, cutting, or removal, or as excusing damage or injury to any timber reserved to the state and set aside for any purpose, including state forests set aside under Section 7 of Article 8 of the constitution of Minnesota and laws enacted in furtherance thereof, except as provided in the laws directly relating to such reserved timber.

All persons cutting or removing state timber shall be subject to all laws now in force or hereafter enacted governing the burning and disposition of slashings or other debris resulting from timber operations, and concerning forest fires, including the setting or spreading or prevention or control thereof or liability therefor. ('25, c. 276, § 38)

6394-39. Laws repealed—All acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed so far, and only so far, as necessary to give full force and effect to this act. ('25, c. 276, § 39)

6394-40. Partial invalidity of law—If any section or provision of this act shall be held unconstitutional by any court, all other sections and provisions shall nevertheless be deemed as effective as though such unconstitutional section or provision had never been inserted in this act. ('25, c. 276, § 40)

MINERAL LANDS

6395. Reservation of minerals and water powers—The state hereby reserves for its own use all the iron, coal, copper, gold and other valuable minerals, and all water powers in or upon all lands which now, or hereafter may, belong to it by virtue of any act of congress. Provided, that this reservation shall not apply to lands granted or contracted to be conveyed by the United States or by this state to aid in the construction of any railroad. (R. L. § 2483, amended '09 c. 109 § 1) [5304]

1889 c. 22 and amendments, substantially re-enacted by R. L. §§ 2483-2495 [6395-6413], were constitutional (99-220, 108+958). Private contracts excepting ores and minerals from grants are valid (115-239, 132+205). Cited (124-271, 144+960).

6396. Certificate of sale, patents, etc.—Reservation—When any such land is sold, granted, conveyed, or transferred in any way, the certificate of sale, patent, or other instrument of transfer shall state that such sale, grant, conveyance, or transfer does not include any right, title, or interest in or to any iron, coal, copper, gold, or other valuable minerals which may be in or upon such land, and that all such minerals are reserved by the state for its own use; but no instrument shall be effective to transfer any right, title, or interest in or to any such minerals, notwithstanding the failure of the proper officer to insert such statement. (2484) [5305]

6397. Patent, etc., under land grant to railroad—Reservation—In all cases where the state of Minnesota shall execute any patent or conveyance of lands under any land grant heretofore made to any railroad company to aid in the construction of any railroad there shall be expressly reserved to and retained in the state of Minnesota all the iron, coal, copper, gold and other valuable minerals in or upon all such lands and the state auditor is hereby prohibited from executing or delivering any patent or instrument of conveyance which shall not contain the reservations aforesaid. ('13 c. 6 § 1) [5306]

6398. Disposition of minerals reserved—All minerals in or upon lands which have been or may be sold, granted, conveyed, or in any way transferred by the state shall remain subject to sale, lease, or contract by the state, upon the same terms and conditions as are minerals upon lands belonging to the state; and the state, and all persons claiming under it, shall have the right to enter upon such lands, and to prospect for, mine, and remove such minerals, and for such purpose to construct all necessary roads, buildings, and improvements thereon, including machinery for mining or removing such minerals. All such minerals shall be disposed of by the auditor in the same manner and on the same terms as minerals on lands belonging to the state. (2485) [5307]

6399. Holder of permit or lease—In all cases where state lands have been heretofore, or may hereafter be sold pursuant to the provisions of law, upon which minerals have been reserved, the holder of any mineral permit or lease, subsequently issued thereon, may nevertheless enter upon the same and prospect thereon thereunder. ('07 c. 411 § 1) [5308]

See 46-495, 49+255; 54-17, 55+749; 92-355, 100+91.

6400. Same—Security for damages—Condemnation—Before entering upon the same he shall pay or secure to the owner of such lands all damages which may arise therefrom, and the same may be determined either by mutual agreement or, if the interested parties cannot

agree, then the holder of such mineral permit or lease may, in the name of the state of Minnesota institute proceedings to condemn the same, in accordance with the general provisions of chapter 41, Revised Laws 1905, or amendments thereto; provided, that the state of Minnesota shall bear no part of the cost of such proceedings, nor pay any part of the damages awarded therein. ('07 c. 411 § 2) [5309]

The provisions of R. L. 1905 c. 41 are included in chapter 41 hereof.

6401. Reservation of minerals under meandered lakes, etc.—That all iron ores and other minerals on, in or under lands within this state, which lie beneath the waters of meandered public lakes and rivers, belong to the state, together with the right to enter upon such lands and explore for and mine and remove such iron ore and other minerals and that the state now has and since its organization has had the right to sell, lease or otherwise use or dispose of such mineral lands and such iron ores and other minerals in the same manner as any other mineral lands, ores or minerals belonging to the state, and that the title of the state to such iron ore or other minerals, together with the right to explore for, mine or remove the same, shall not be affected by the subsequent drying up of such lakes or rivers. ('09 c. 49 § 1) [5310]

6402. Pending applications—Applications for mineral leases and contracts now pending and on file in the land department of the state auditor's office shall not be recognized as valid or existing by reason of anything contained in this act. ('09 c. 49 § 2) [5311]

6402-1. Rights under permits—The holder of any such permit shall have the right to prospect for iron ore on the land described therein for one year from the date thereof, and no longer; but no ore shall be removed therefrom until a lease has been executed. No permit for the same land shall be issued to the same person for two years in succession. ('09, c. 49 § 3) [2489]

Explanatory note—This section is § 3 of Laws 1909, c. 49, which relates to ores on, in or under lands, beneath the waters of meandered public lakes and rivers. It was omitted from Gen. St. '23 as being repealed by Laws 1921, c. 412, § 16 (§§ 6404 to 6415). Laws 1921, c. 421, by its title expressly excepts from its operation lands "situate under the waters of any public lake or river." This section, then, is obviously not repealed by Laws 1921, c. 421.

6403. Permits to prospect for iron and other ores—Leases—Auditor may issue—The state auditor may execute permits to prospect for iron ore and other ores upon lands belonging to the state, or in which the state has an interest, and leases for the mining of such ores, subject to the conditions hereinafter provided. ('21, c. 412, § 1; amended '25, c. 395; '27, c. 389, § 1)

Explanatory note—Powers, etc., conferred by this act ('21, c. 412, §§ 6403 to 6418, herein), transferred to Executive Council. See § 53-3, herein.

'21 c. 412 § 16 repeals all inconsistent acts and parts of acts. (See G. S. '13 §§ 5312 to 5319).

6404. Division of lands into mining units—The state auditor shall divide all lands belonging to the state, or in which the state has an interest, excepting lands situate under the waters of any public lake or river, into mining units of not to exceed in the aggregate two contiguous forty-acre tracts of land, unless some of the descriptions are fractional sub-divisions according to the government survey thereof, in which case the acreage may exceed eighty acres, but shall not exceed a total of ninety acres, provided that in case of lands containing low grade magnetite ore deposits, the total

area shall not exceed three contiguous units. No mining unit herein provided for shall contain lands belonging to more than one permanent trust fund. ('21, c. 412, § 2; amended '25, c. 395; '27, c. 389, § 1)

6405. Notice of sales of permits—Publication—The state auditor shall give public notice of sale of permits of four weekly publications in a daily paper printed and published in each of the cities of St. Paul, Minneapolis, Duluth, Hibbing, Virginia. The same notice of sales may be published in not to exceed two additional newspapers and two trade magazines as the state auditor may from time to time direct. The last publication above provided for shall be not less than seven days before the first day of June of each year. Said published notice shall contain the following information:

1. Time and place of holding said sales.
2. The general requirements provided by law as to the purchasers of permits.
3. Place where list of lands, arranged in mining units upon which applications for permits to prospect for iron ore may be obtained. ('21, c. 412, § 3; amended '25, c. 395; '27, c. 389, § 1)

6406. Applications for permits—Bids—Acceptance or rejection—Awards—Applications for permits to prospect for iron ore shall be presented to the state auditor in writing in such form as he may prescribe at any time prior to the time of opening the bids as hereinafter provided. The application shall be accompanied by a certified check payable to the state treasurer in the sum of fifty dollars (\$50), for each mining unit as set out above. Each application shall be accompanied also by a sealed bid setting forth the amount of royalty per gross ton of crude ore based upon the iron content of such ore when dried at 212 degrees Fahrenheit, as set out in detail hereafter, that the applicant proposes to pay to the State of Minnesota in case the permit shall be awarded to him. A separate sealed bid shall be required for each mining unit as established by the state auditor, covered by the application, and be accompanied by a certified check made payable to the state treasurer in the sum of two hundred dollars (\$200) as a guarantee that the applicant will carry out and perform in good faith all the covenants set out in such permit. The envelope containing each bid shall be plainly marked on the outside showing the date of application, date received by the state auditor, and the name of the applicant. The state auditor shall endorse upon each application and sealed bid the exact time of presentation, and shall preserve the same unopened in his office. On the second Monday of June of each year beginning with June, 1927, at eleven o'clock in the forenoon, in the office of the governor in the State Capitol, in St. Paul, the state auditor shall publicly announce the number of applications and bids received. The auditor, together with the Executive Council shall then publicly open said bids and announce the amount of each bid separately, and shall award the permits to the highest bidder, but no bids shall be accepted that shall not equal or exceed the amounts provided for in Section 7 of this act, nor shall any bid be accepted that shall not comply with the law and be accompanied by a certified check for the faithful performance of the terms of each permit as hereinbefore set out. The right is herein reserved to the state to reject any and all bids. All applications for permits and bids not accepted at such sale shall become void at the close of such sale, and the checks accompanying such applications and bids shall be re-

turned to the applicants entitled to them. ('21, c. 412, § 4; amended '25, c. 395; '27, c. 389, § 1)

6407. Rights and duties of permit holders—Prospecting work—Cancellation of permits—The holder of any such permit shall have the right to prospect for iron ore on the land described therein for one year from the date thereof, and no longer; but no ore shall be removed therefrom until a lease has been executed. The work of prospecting under such permit shall begin in a substantial manner within ninety days from the date thereof and shall be continued until the permit expires, is surrendered or a lease asked for. The holder of such permit shall report in writing to the auditor on the first business day of each April, July, October and January, the progress of the work of prospecting and accompany such reports with blue prints showing the character and extent of the work done, the nature of materials encountered in such work and the analysis for iron, silica, phosphorus, alumina and manganese of all iron bearing formation encountered. The permit holder shall split all samples taken and furnish the auditor or his representative from time to time as the auditor or his representative shall direct, with a portion of such samples, properly marked for identification. The work done by the permit holder shall be subject to inspection at all reasonable times by the auditor or his representatives. The permit to prospect for ore is granted upon the express condition that if the permit holder shall fail to perform any of the terms, covenants or conditions in such permit to be performed by him, then it shall be the duty of the state auditor to cancel such permit, first having given said permit holder at least twenty days' notice in writing thereof. Provided, that for the purpose of encouraging the search for iron ore in localities five miles or more from known tonnages of iron ore or ore bearing materials not being operated on a commercial scale, the permit above provided for shall be for a period of two years and the holder thereof shall be required to begin the work of prospecting in a substantial manner within six months from date thereof. ('21, c. 412, § 5; amended '25, c. 395; '27, c. 389, § 1)

6408. Leases to permit holders—Royalties—At any time prior to the expiration of any prospecting permit the original holder, or any assignee thereof, shall have the right to receive from the state auditor a mining lease, which shall bind the state and the person to whom it shall be issued to the mutual observance of the obligations and conditions thereof. As a condition precedent to the issuing of such mining lease, the holder of the permit shall file a full report properly verified, of all work of exploration done under such permit, in accordance with the provisions of Section 5, or an affidavit in case no work was done stating such facts, and shall pay to the state treasurer a sum of money based on the quarterly royalty payment of \$312.50 for the first year, as set out in the lease, in the ratio that the unexpired portion of the quarter bears to the full quarter. Provided that the holder of any permit to prospect for iron ore on lands five miles or more from known tonnages of iron ore or ore bearing materials not being operated on a commercial scale, as provided for in section 5 hereof, shall be entitled to a lease in the form set out in Section 7, except that until five years after a railroad has been built within two miles of such demised premises the annual rental when no ore is shipped, shall be \$500 per year, payable quarterly in advance, and at the close of such period of five years the annual rental shall be \$5,000, as provided in said Section 7. If the permit holder shall fully comply

with all terms and conditions therein contained, the state auditor shall return to him or his assigns the amount of the certified check which accompanied his bid. ('21, c. 412, § 6; amended '25, c. 395; '27, c. 389, § 1)

Explanatory note—For sections 5 and 7, see §§ 6407, 6409, herein.

6409. Form of lease — Rental and royalties—The lease provided for in Section 6 shall be as follows:

"This indenture, made this day of, 19. . . ., by and between the State of Minnesota, party of the first part, and part. . . . of the second part.

Witnesseth: That the party of the first part, for and in consideration of the sum of dollars to it in hand paid by the part. . . . of the second part, being the first quarterly payment hereinafter provided for, the receipt whereof is hereby acknowledged, and in further consideration of the covenants and conditions hereof, to be kept and performed by the part. . . . of the second part, does hereby lease and demise unto the part. . . . of the second part for the term of fifty years from and after the day of, 19. . . ., the following described land, situated in the County of, in the State of Minnesota, to-wit: which premises are leased to the part. . . . of the second part for the purpose of exploring for, mining, taking out and removing the iron ore found on or in said land, together with the right to construct or make such buildings, excavations, openings, ditches, drains, railroads, wagon roads and other improvements upon said premises as may be necessary or suitable for such purposes. The party of the first part reserves the right to sell and dispose of under the provisions of law now or hereinafter governing the sale of timber on state lands, all the timber upon the land hereby leased, and reserves to the purchaser of such timber, his agents and servants, the right at all times to enter thereon, and to cut and remove any and all such timber therefrom, according to the terms of the purchaser's contract with the state, and without let or hindrance from the part. . . . of the second part; but such purchaser shall not unnecessarily or materially interfere with the mining operations carried on thereon. And the party of the first part further reserves the right to grant to any person or corporation the right-of-way necessary for the construction and operation of one or more railroads over or across the land thereby leased, without let or hindrance from the part. . . . of the second part; but such railroads shall not unnecessarily or materially interfere with the mining operations carried on thereon. The party of the first part further reserves the right to grant leases, permits or licenses to any portion of the surface of the demised premises to any person or corporation under authority of Chapter 405, Laws of 1919, or as such law may be further amended or enlarged without let or hindrance from the part. . . . of the second part, but such leases, permits or licenses shall not unnecessarily or materially interfere with the mining operations carried on thereon. And the party of the first part agrees that the part. . . . of the second part shall have the right to contract with others for the working of such mines, or any part thereof, or for the use of such land or any part thereof, for the purpose of mining as are hereby granted to the part. . . . of the iron ore, with the same rights and privileges second part.

The part. . . . of the second part covenants and agrees with the party of the first part that the part. . . .

of the second part will on or before the 20th day of April, July, October and January during the first year of this lease, pay to the treasurer of said state a rental of \$312.50 for the quarter preceding the first day of the month in which such payment is made, and a quarterly rental thereafter during the entire term this lease remains in force of \$1,250.00; provided, that the total amount of royalty due on iron ore removed and accounted for during said first year as provided for hereafter does not equal or exceed the sum of twelve hundred and fifty dollars (\$1,250.00) during the first year as above provided, and the sum of five thousand dollars per annum thereafter, it being the purpose of this covenant to secure a regular annual income from the demised premises of not less than \$1,250.00 during the first year and \$5,000.00 thereafter in rentals or royalty on iron ore, or both, except only in case of leases for lands five miles or more from known tonnage of iron ore or ore bearing materials not being operated on a commercial scale, in which case the annual payments for the first five years shall be \$500.00, payable quarterly in advance.

And it is further understood and agreed that the schedule of minimum royalties to be paid by the part. . . . of the second part to the party of the first part shall be as follows:

On a gross ton of crude ore in its natural state before beneficiation of any kind averaging in iron when dried at 212 degrees Fahrenheit, twenty-five per cent (25%) or less, twelve cents. For a ton of ore averaging twenty-six per cent (26%) in iron dried at 212 degrees Fahrenheit, twelve cents (12¢), with a five per cent (5%) increase over twelve cents (12¢), or a royalty of twelve and six-tenths cents (12.6¢) per ton. For a ton of ore averaging twenty-seven per cent (27%) iron dried at 212 degrees Fahrenheit, twelve and six-tenths cents (12.6¢), plus five per cent (5%) increase or a royalty of thirteen and twenty-three hundredths cents (13.23¢); and so on, adding five per cent (5%) to the amount of royalty for a given grade for the next higher per cent, disregarding all thousandths of one cent that do not equal five and counting those that are five thousandths or above as one hundredths of a cent. The part. . . . of the second part hereby covenant. . . and agree. . . with the party of the first part that the part. . . . of the second part will, on or before the twentieth day of April, July, October and January in each year, during said term or during the period this lease continues in force, pay to the treasurer of said state, for all the iron ore mined and removed from said land during the three months preceding the first day of the month in which such payment is to be made, a royalty as hereinbefore provided.

Each ton shall be reckoned at twenty-two hundred and forty pounds. The part. . . . of the second part at the time of such payment shall transmit to the auditor of said state an exact, truthful and verified statement of the amount of iron ore removed during the three months for which such payment is made. Such statement shall show the tonnage of the several grades of ore in accordance with the following plan;

Direct shipping ore shall be understood to mean any ore that is forwarded in its natural state without beneficiation of any kind. Each railroad car loaded with such ore shall be sampled in such a manner as to show the true grade of the ore contained. Ten cars when thus sampled shall constitute a "sample" or shipment, except where a smaller number becomes imperative. The samples of ore taken from such "sample"

or shipment shall be mingled and split into two portions, both of which shall be properly marked for identification. One portion shall be delivered to the state auditor or his authorized agent and the other reserved by the part... of the second part. Each sample shall be analyzed by a competent chemist for iron, silica, phosphorus, alumina and manganese at the sole cost and expense of the part... of the second part, and the results certified to the auditor in the state above referred to together with the weight of each carload and "sample."

The direct shipping iron ore so taken by the part... of the second part from said land shall be weighed by the railroad company transporting the same from said land, and the part... of the second part shall transmit monthly statements showing the aforesaid grades and weights. Such grades and weights shall prima facie determine the quantity as between the parties, but the party of the first part shall have the right at any time, and in such manner as it may see fit, to sample the ore, check the analyses and inspect, review and test the correctness of the methods and books of the part... of the second part in sampling, analyzing, recording and reporting such grades and weights and to inspect, review and test the correctness of the railroad company's scales and of the aforesaid weights, it being understood that any errors in these respects, when ascertained, shall be corrected.

For the purpose of determining the grade of ore and royalty on same, all grades and kinds of ore taken from the demised premises shall be sampled in their crude state before being treated or beneficiated in any way. Such samples, when dried at 212 degrees Fahrenheit, shall be analyzed for iron, silica, phosphorus, alumina and manganese. The percentages of iron shall determine the amount of the royalty to be paid, provided that when the manganese content shall equal or exceed four (4) per cent, it shall be paid for separately under agreement as hereinafter provided for by law. It is understood and agreed that should the part... of the second part desire to beneficiate any ore found on the demised premises, the parties shall agree upon a method of sampling and weighing such ore before concentration, and in case they are unable to agree, each shall choose a referee, and the two referees so chosen shall choose a third. The decision of such board of referees shall be binding on the parties in interest as to the methods to be employed in such sampling and weighing only. The royalty on all ore under this lease shall be payable on the weight of the crude ore before beneficiation and the grade of the same when dried at 212 degrees Fahrenheit.

The party of the first part shall have the right to enter upon and into said premises at any time, and to inspect and survey the same, and to measure the quantity of ore which shall have been mined or removed therefrom, not unreasonably hindering or interrupting the operations of the part... of the second part, and the part... of the second part covenant... and agree... to furnish the state auditor from time to time with copies of all exploration reports, mine maps, analysis maps and plans of development made and used in the operations on said leased premises. The part... of the second part further covenant... and agree... to provide upon written requests from the state auditor a suitable room in the dry or wash house, or in some other suitable place, with water, light and heat free, to the agents of the state auditor for their use in the work of inspection on said premises, such room to be equal in size and equipment to that furn-

ished for the use of the mining captain or superintendent at such mines. And the part... of the second part further covenant... and agree... as follows: That during said term the part... of the second part will pay all taxes, general and specific, which may be assessed against said land, and the improvements thereon made, used or controlled by said part... of the second part, and the iron ore product thereof, and any personal property at said mines, in all respects as if said land were owned in fee by the part... of the second part; and that the part... of the second part will open, use and work said mines in such manner only as is usual and customary in skillful and proper mining operations of similar character when conducted by the proprietors on their own land and in accordance with the requirements of good mining engineering, and in such manner as not to cause any unnecessary or unusual permanent injury to the same, or inconvenience or hindrance in the subsequent operation of the same, and will deposit all earth, rock and other useless materials or rubbish at such places and in such manner as will not embarrass such subsequent operations, and that upon the termination of this lease the part... of the second part will quietly and peaceably surrender the possession of said land to the party of the first part.

Provided, however, that the part... of the second part shall have the right at any time to terminate this lease in so far as it requires the part... of the second part to mine ore on said land, or to pay royalty therefor, by delivering written notice of such intention to terminate to the state auditor, who shall in writing acknowledge receipt of such notice, and this lease shall terminate sixty days thereafter, and all arrearages and sums which shall be due under this lease up to the time of such termination shall be paid upon settlement and adjustment thereof by the part... of the second part.

Provided, further, and this lease is granted upon the express condition, that if any quarterly payment, or any payment for royalties or any part of such payments or any tax or portion thereof, shall remain unpaid after the expiration of sixty days from the time when the same was payable as herein provided, or in case the part... of the second part shall fail to perform any of the covenants or conditions herein expressed to be performed by said part... of the second part, then it shall be the duty of the state auditor to cancel this lease, first having given to the part... of the second part at least twenty days notice in writing thereof, whereupon the party of the first part shall re-enter and again possess said premises as fully as if no lease had been given to the part... of the second part, and the part... of the second part and all persons claiming under such part... shall be wholly excluded therefrom, but such re-entry shall not work a forfeiture of the rents, royalties or taxes or other sums to be paid at the time of such re-entry.

It is mutually agreed that upon the termination of this lease, whether by act of either party or by limitation, the part... of the second part shall have ninety days in which to remove all engines, tools, machinery, railroad tracks and structures placed or erected by the part... of the second part upon said land, but the part... of the second part shall not remove or impair any supports placed in said mines, or any timber or frame work necessary to the use or maintenance of shafts or other approaches to the mines, or tramways within the mines. The party of the first part reserves, and shall at all times have, a lien upon all ore mined,

and upon all improvements made by the part. . . of the second part upon the premises, for any unpaid balances due under this lease.

The covenants, terms and conditions of this lease shall run with the land and be in all respects binding upon all sublessees and grantees under the part. . . of the second part." ('21, c. 412, § 7; amended '25, c. 395; '27, c. 389, § 1)

Explanatory note—For section 6, see § 6408, herein.

For Laws 1919, c. 405, see § 6328, herein.

No state mining lease is in fact a lease and not a sale of ore in place. (143-457, 172+229, 175+100, and cases there cited).

6410. Execution of lease—The lease provided for in Section 7 shall be signed by the state auditor for and in behalf of the state, with his official seal attached, and shall be signed by the part. . . of the second part in the presence of two witnesses, and such signatures and execution of the same by the part. . . of the second part shall be duly acknowledged. ('21, c. 412, § 8; amended '25, c. 395; '27, c. 389, § 1)

Explanatory note—For section 7, see § 6409, herein.

This section is not a statute of frauds, and contracts relating to the assignment of state mining leases, which observe, in their execution, the requirements of contracts for the sale of lands, are valid between the parties (125-81, 145+791).

6411. Disposition of moneys received—All payments under this Act shall be made to the state treasurer on the order of the state auditor, and shall be credited to the permanent fund of the class of land to which the demised premises belong, and in case the land shall not belong to any class of land having a permanent fund, then all payments shall be credited to such fund as the Legislature shall by law direct. ('21, c. 412, § 9; '25, c. 395; '27, c. 389, § 1)

6412. Auditor may take possession of premises, when—The state auditor is hereby authorized and empowered in case the permit holder or lessee under any permit or lease hereinbefore provided for, fails or neglects fully to comply with all the conditions and covenants of such permit or lease, to enter at once upon the premises described in such permit or lease and take possession of the same. ('21, c. 412, § 10; amended '25, c. 395; '27, c. 389, § 1)

6413. Mining of ores other than iron—Should gold, copper, silver, cobalt, coal, graphite, or manganese (4% or over, dried) or any other valuable mineral be discovered on lands leased as heretofore authorized, the terms and conditions on which the same may be mined, shall be agreed upon by the state auditor and the lessee, and in case they are unable to agree, each shall choose a referee. The two persons thus selected shall choose a third. The decision of said board shall be final and binding on the parties in interest. ('21, c. 412, § 11; '25, c. 395; '27, c. 389, § 1)

6414. Permits to prospect for ores other than iron—**Leases—Rents, royalties, etc.**—The state auditor may issue permits to prospect for gold, silver, copper, cobalt, graphite, coal and petroleum and other minerals than iron ore, for such period not to exceed one year and under such regulations as the state auditor may prescribe. At any time prior to the expiration of any such prospecting permit the holder thereof shall have the right to lease the land covered by the permit for the purpose of mining and removing therefrom any minerals which may be discovered therein other than iron ore. The rents, royalties, terms, conditions and covenants of all such leases shall be fixed by the state auditor pursuant to such regulations as he may prescribe, but no lease shall be for a longer term than

twenty-five years, and all such rents, royalties, terms, conditions and covenants shall be fully set forth in each lease thus issued, and the rents and royalties therein provided for shall be credited to the funds as provided in Section 9 above. ('21, c. 412, § 12; amended '25, c. 395; '27, c. 389, § 1)

Explanatory note—For section 9, see § 6411, herein.

6415. Record of permits and leases to be recorded by auditor—All permits and leases, with the names and postoffice addresses of all parties in interest, issued by the state auditor under authority of this law, before delivery shall be duly recorded at length by him in his office in the record books to be provided and kept for that purpose, and a certificate of such record showing the date of record, the book and page thereof, shall be endorsed on each such permit or lease. ('21, c. 412, § 13; amended '25, c. 395; '27, c. 389, § 1)

6416. Assignments, etc., affecting permits or leases—**Record of**—All assignments, agreements or contracts affecting any such permit or lease shall be made in writing and signed by both parties thereto, witnessed by two witnesses and properly acknowledged and shall contain the postoffice addresses of all parties having an interest; and when so executed shall be presented to the state auditor for record. The state auditor shall then record such assignment, agreement or contract at length in his office in record books kept and provided for that purpose and a certificate of such record showing the date thereof and the book and page shall be endorsed on the assignment, agreement or contract, which then shall be returned to the party entitled thereto. ('21, c. 412, § 14; amended '25, c. 395; '27, c. 389, § 1)

6417. Approval of instruments by auditor—Fees—All instruments by virtue of which the title to any permit or lease herein provided for, is in any way affected shall receive, as to form and execution, the approval of the state auditor, which approval shall be endorsed thereon and such instrument when so approved shall be duly recorded as provided in Section 14 hereof. For recording any assignment or other instrument affecting the title to any permit or lease, or for furnishing certified copies of the records, the state auditor shall charge a fee of ten cents per folio. All such fees shall be turned into the state treasury. ('21, c. 412, § 15; amended '25, c. 395; '27, c. 389, § 1)

6418. Inconsistent acts repealed—All acts and parts of acts inconsistent herewith are hereby repealed. ('21, c. 412, § 16; amended '25, c. 395; '27, c. 389, § 2)

6419. Liability under certain mineral leases cancelled—In all cases where mineral leases have been issued under the provisions of section 5315, General Statutes 1913 [6409], and such leases have been cancelled by the state auditor for non-payment of any annual or quarterly payment provided for in such lease, such cancellation shall terminate all liability thereunder, if no damage has been sustained to the land covered by said lease, or development work performed thereunder. ('19 c. 501 § 1)

The section referred to in this section is G. S. '13, § 5315, which was repealed by Laws 1921, c. 412, § 16 (see supra, § 6418). The corresponding provision in Laws 1921, c. 412, as amended, is § 6409, supra. This section may possibly be superseded by said section 6409.

6420. Payment of lease money by co-owner in case of default—Upon the failure of any one of several co-owners of any lease of mineral land from the State of Minnesota which it may heretofore or may hereafter make, to pay his proportion, represented by his proportionate interest in said lease, of any annual pay-

ment or royalty payment of taxes assessed against the land covered by said lease or the improvements thereon, or the iron ore products thereof, or any personal property at any mine on said land, according to, as required by and when due under the terms of said lease or the laws of this state, any co-owner of said lease, who may have heretofore or who may hereafter pay the same or any part thereof, who was not under contract obligation at the time of making said payment to make it, may after the expiration of the time fixed by said lease or the law for making said payment, give such delinquent co-owner and the other co-owners, if any, personal notice in writing or by publication for at least six successive weeks, once a week, in the newspaper published nearest the said land entitled under the laws of this state to publish legal notices, that he has made said payment, describing the lease and the land covered thereby on account of which it was made, the amount due, when due, and for what due, on account of which said payment was made and the date of making the same, and demand that said delinquent co-owner contribute his said proportionate share of said payment by paying the same, together with six per cent interest thereon from the time of said payment until the time of re-payment, together with the cost of said publication, to him within ninety days after the personal service of such notice upon him, or within ninety days after the completion of said publication, and that if he fails so to do that his said interest in said lease will become the property of and be forfeited to his co-owner or co-owners paying the same. ('15 c. 303 § 1)

6421. Co-owner to share in benefit of original owner—If said delinquent co-owner before the expiration of said time shall refuse or fail to contribute and pay his said proportionate share, together with said interest and cost of publication as and when herein and in said notice provided, his interest in said lease shall thereafter become the property of and belong to said co-owner making said payment, and the other co-owners thereof, if any, who shall within ten days after the expiration of said ninety days, pay to him their share of the amount due him under said notice, represented by their respective interests in said lease, with the same force and effect as to said delinquent's interest in said lease, as if said lease as to said delinquent's interest had been forfeited and cancelled by the state of Minnesota, and a new lease on the same terms and conditions as said old lease had been issued by said state of and for said delinquent's share therein to his said co-owner or co-owners making said payment. Such co-owners so contributing and paying within said ten days shall share in the interest of said co-owner so forfeited, in proportion to their then respective interest in said lease. ('15 c. 303 § 2)

6422. Sufficiency of notice—The affidavit of the party making such personal service and the affidavit of the publisher of said newspaper accompanied by a duplicate original of said notice, together with the affidavit of said co-owner making said payment, that said delinquent has not paid to him the amount due under said notice within the time herein and in said notice specified with the names of the other co-owners, if any, who during said ten days contributed their proportionate share thereof may be filed in the office of the auditor of the state of Minnesota and shall constitute conclusive evidence in all courts and proceedings of the matters therein stated, except as to such as may be proven to be untrue. Said auditor shall receive, file without charge and safely keep the foregoing and all

thereof, which shall be open to the inspection of anyone interested therein. ('15 c. 303 § 3)

6423. Auditor to lease surface of lands for certain purposes—The state auditor may, at public or private vendue and at such prices and upon such terms and conditions as he may prescribe, lease the surface of any unsold state lands for the purpose of stockpiling, storing, handling or depositing thereon any ore, ore material, stripping or waste taken from other state lands which may be under state mineral lease, and removal therefrom any such ore, ore material, stripping or waste taken from such other state land and stocked, stored, handled or deposited thereon; provided, that the rights of the state and of the lessee under the lease herein authorized as to the ownership, lien and right of removal and all other rights in and to the materials placed thereon from the lands under such state mineral lease shall be and remain in all respects the same as though such materials had been stockpiled, stored, handled or deposited on the land covered by such state mineral lease; provided, further, that any such lease shall be made for a term no longer than the then remaining unexpired term of such state mineral lease and shall in any and all events terminate with the termination of such state mineral lease for any cause whatsoever, and any material remaining on such land at the termination of such state mineral lease or at the earlier termination of the lease herein authorized, shall belong to the state of Minnesota; provided, further, that all such leases shall be made subject to leasing the land for mineral purposes under legal provisions. ('19 c. 213 § 1)

6424. To be placed to credit of certain funds—All money received from leases granted under this act shall be credited to the fund to which the leased land belongs and all royalties and proceeds which shall be received by the state for any material stockpiled or stored thereon and later removed shall be credited on the state mineral lease covering the lands from which such ore was originally taken. ('19 c. 213 § 2)

6425. Unlawful to mine under public lake or river—It shall be unlawful for any individual, co-partnership or corporation to mine any mineral below the low water mark of any public lake or river without first having obtained authority from the state. ('15 c. 78 § 1)

6426. Draining of meandered public lake for mineral purposes forbidden—It shall be unlawful for any individual, co-partnership or corporation to drain any meandered public lake for the purpose of mining of minerals without first having received the consent of a board hereby created for such purpose consisting of the governor, attorney general, secretary of state, state treasurer and state auditor, or other officers which may be empowered by law to grant such permission. ('15 c. 78 § 2)

6427. Penalty for violation—Any individual, co-partnership or corporation violating the provisions of this act shall upon conviction thereof be punished by a fine of not exceeding \$10,000.00, or by imprisonment in the state prison for not to exceed five years, or by both such fine and imprisonment at the discretion of the court. ('15 c. 78 § 3)

6428. Contracts for removing ore from under lake beds authorized at minimum royalty of 50 cents per ton—The governor, attorney general and state auditor are hereby empowered to enter into contracts or agreements with persons, co-partnerships or corporations for the mining and disposing of the iron ore situate under any waters of any public lake or river

in the state of Minnesota. The minimum royalty for each gross ton of iron ore disposed of under such contract, shall be not less than fifty cents per ton upon the ore in its natural condition as mined. Such contracts or agreements for the mining, removing and disposing of such iron ore may provide for the drainage of such lake or river, or the diversion of the waters thereof to a new bed or channel. The contracting parties herein provided for on the part of the state of Minnesota, shall have power to institute condemnation proceedings to pay for the interests of private persons or corporations who may be injured or whose rights may be destroyed by the carrying on of such operations, and such contracts or agreements for mining, removing or disposing of such iron ore may contain a covenant on the part of the second party to return the waters of such lake or river to their former beds as nearly as possible after the ore shall have been removed. ('17 c. 110 § 1)

Powers, etc., conferred by this act ('17, c. 110) transferred to Executive Council. See § 53-3, herein.

6429. Royalty derived to be added to permanent school fund—The principal of all funds arising from the disposal of such iron ore shall forever be preserved inviolate and undiminished and shall be added to the permanent school fund of the state to be invested and re-invested as provided by law for the investment of said permanent school fund, and the interest thereon shall be distributed in the same manner as the income from the present school fund is now, by law, distributed. ('17 c. 110 § 2)

6430. Bids to be received and highest bidder to receive awards—All contracts or agreements for the mining, removing and disposing of iron ore provided for in section 1 of this act shall be sold at public sale to the highest bidder on the basis of the royalty to be paid to the state, after such sale shall have been advertised for three weeks in such a manner and in such legal publications as the above named state officers shall determine, but no bids shall be entertained that shall not equal or exceed the minimum price specified in this act. ('17 c. 110 § 3)

Certain options for mining leases given by any county, legalized, 15 c. 122.

6431. State Auditor may make agreements for weighing ore—Whenever it shall appear that any iron ore or iron bearing material found on state lands leased for mining purposes, shall be capable of being made merchantable by beneficiation, the state auditor is hereby authorized and empowered to enter into agreements with the lessees, assignees or sub-lessees under said mineral contracts or leases for weighing such iron ore or iron bearing material before the same shall be beneficiated, provided, that the state shall be reimbursed by such lessee, assignee or sub-lessee for all costs and expenses connected with such weighing. ('21 c. 148 § 1)

See supra, § 6409, as to weighing of beneficiated ore.

6432. Expense paid by lessee—The lessee, assignee or sublessee shall at his sole cost and expense install and maintain all necessary scales, tracks, buildings, records and supplies necessary or expedient in conducting such weighing and the scales so installed shall conform to the types approved by the State Railroad and Warehouse Commission, through its Bureau of Weights and Measures. ('21 c. 148 § 2)

6433. Not to modify existing contracts—Nothing in this act shall be construed as a modification of the provisions of such mineral contract or lease. The rights and privileges as to weighing herein provided

for are to be deemed as supplemental to the provisions and terms found in such mineral leases or contracts. ('21 c. 148 § 3)

OTHER LANDS

6434. Lands granted by United States—Hereafter whenever any lands granted to the state by the congress of the United States shall be sold by this state, the purchaser shall in the first instance be given a contract or certificate of sale, which instrument shall contain, among other things, the provisions herein set forth. ('11 c. 90 § 1) [5320]

Historical—"An act to amend chapter 299, General Laws of Minnesota for 1905, prescribing terms, limitations and conditions on which lands granted to the state by the congress of the United States shall be sold, as amended by chapter 106, General Laws of 1909, so as to read as follows."

6435. Contract or certificate of sale—Requirements—The state auditor shall insert in every such contract or certificate of sale, a clause providing that the vendee, his heirs, administrators or assigns, shall within seven (7) years from the date of such instrument, perform at least one of the following requirements:

1. Fence at least twenty-five (25) per cent of said tract for pasture and convert such portion into pasture land.
2. Cultivate at least five (5) per cent of said tract, or
3. Build a house and actually reside upon said tract for a period of twelve (12) months.

Provided, however, that the fencing for pasture of twenty-five (25) per cent of any contiguous tract sold such vendee by the state under the provisions of this chapter and the conversion of such portion into pasture land, or the cultivation of at least five per cent of such contiguous tract, or the building of a house and actual residence upon any portion of such contiguous tract for a period of twelve months shall be deemed a sufficient performance of such requirements with reference to the whole of such contiguous tract whether heretofore or hereafter sold by the state. ('11 c. 90 § 2) [5321]

6436. Proof of compliance—Deed—Sales in and after 1905—Within seven (7) years after the date of such contract or certificate of sale, the vendee, his heirs, administrators or assigns, shall furnish to the state auditor, satisfactory proof that at least one of said provisions has been complied with, said proof shall be attested by two members of the school board in the district wherein the land is located. And upon such proof, and the fulfillment of all the conditions of such contract or certificate of sale, a deed shall issue to the purchaser, his heirs or assigns, to the land in such contract or certificate described.

Provided, that the foregoing provisions shall apply to all sales of land made in the year 1905 and subsequent years. ('11 c. 90 § 3) [5322]

6437. Failure to make proof—Reverter—Upon failure to make and furnish the proof mentioned, in the foregoing section, within seven (7) years after the date of such contract or certificate, the state auditor shall cancel said contract or certificate and the land covered thereby shall revert to and become the property of the state, free and clear of any incumbrance or cloud arising out of said transaction or contract or attempted to be contracted by said vendee, and all moneys paid on account of the purchase price, shall be forfeited to the state. ('11 c. 90 § 4) [5323]

6438. Not over 320 acres—Not more than three hundred and twenty (320) acres of such land shall be

6434
Et seq.
29 — 258
33 — 313

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Et seq.
31 — 407

sold or contracted to be sold to any one purchaser. ('11 c. 90 § 5) [5324]

6439. Owners of contiguous tracts—This act shall take effect and be in force from and after its passage, and, provided further, that if the purchaser is already the owner of a contiguous tract of land, the state auditor upon a proper showing by affidavit, and in furtherance of justice, may in his discretion dispense with a strict compliance with the foregoing provisions of this section in respect to sales whether heretofore or hereafter made by the state. ('11 c. 90 § 6) [5325]

6440. Purchasers released from compliance with certain laws—Any and all persons who have heretofore purchased from the state of Minnesota any of the lands granted to the state by the congress of the United States are hereby released from compliance with the provisions of sections 1, 2, 3 and 4 of chapter 299, General Laws of 1905, and of chapter 106, General Laws of 1909, and from the terms, limitations and conditions inserted or implied in their contracts or certificates of sale pursuant to said statutory provisions. ('11 c. 135 § 1) [5326]

Section 3 repeals 1905 c. 299 §§ 1-4 and 1909 c. 106.

1905 c. 299 § 5 is identical with § 6438, above set forth.

6441. Effect of contracts and certificates—Any and all such contracts and certificates of sale shall be and remain of the same force and effect as if not containing, either expressly or by implication, any of the terms, limitations or conditions prescribed by the statutory provisions aforesaid; provided nothing herein contained shall be construed to release such purchasers from fulfillment of any of the other provisions or conditions of said contracts or certificates of sale, or of other statutes applicable thereto. ('11 c. 135 § 2) [5327]

6442. Certain other lands—How sold—Appraisal—All tracts or lots of real property belonging to the state of Minnesota, or that may hereafter accrue to the state, including tracts or lots which have escheated to the state may be disposed of in the following manner, provided, this act shall not apply to school or other trust fund lands, belonging to the state, or that may hereafter accrue to the state, under and by virtue of any act of congress. The sale or disposition of such real estate shall be under the supervision of the governor, attorney general and state auditor, who may authorize and direct a sale, when, in their judgment, it would be advantageous to do so. They shall appoint three appraisers, who shall appraise the real property to be sold. As compensation for their services the said appraisers shall receive five dollars per day. The sale shall be at public auction and shall be made by the state auditor, or such person or persons as he may direct for that purpose. ('09 c. 452 § 1) [5328]

6443. Notice of sale, etc.—Before any sale shall be made the state auditor shall publish a notice thereof at least once in each week for four successive weeks in a newspaper published in the city or county in which the real property to be sold is situated, and he is also authorized to give such other and additional publicity of such notice as he may deem proper, which notice shall specify the time and place in said county at which such sale will commence, a description of the lots or tracts to be offered, and a general statement of the terms of sale. Each tract or lot shall be sold separately, and no lot shall be sold for less than the price thereof as specified in the report of said appraisers. ('09 c. 452 § 2) [5329]

6444. Terms of payment—The terms of payment for all lots or tracts so sold shall be not less than ten per cent of the purchase price thereof at the time of

sale, and interest on the unpaid balance, as herein stated, to June 1st, of the following year, and the balance of such purchase price at any time within twenty years, at the option of the purchaser, with interest annually in advance, at the rate of not less than five per cent per annum on such unpaid balance, payable to the state treasury on or before June 1st, in each year. ('09 c. 452 § 3) [5330]

6445. Certificate of sale—The state auditor shall make out and deliver to the respective purchaser thereof a certificate of purchase in which he shall certify the description of the real property sold and the price thereof, the consideration paid, and to be paid therefor, the rate of interest and time and terms of payment. Such certificate shall be numbered and made assignable. Such purchase certificate shall further set forth that in case of the non-payment of the annual interest due by the purchaser, or any person claiming under him, then the said certificate from the time of such failure will be entirely void, and of no effect, and the said state auditor may take possession of said lot or tract and resell the same, as herein provided. ('09 c. 452 § 4) [5331]

6446. Record of certificates and assignments—Effect—Certificate of purchase issued pursuant to this act or any assignment thereof executed and acknowledged, as provided by law, for the execution and acknowledgment of deeds may be recorded in the office of the register of deeds of any county in the state, in the same manner and in like effect as deeds are therein recorded. Such certificate shall entitle the purchaser thereof, his heirs and assigns to the exclusive possession of the land therein described, provided the terms of said certificate have been in all respects complied with, and the said certificate and the record thereof shall be conclusive evidence of title in such purchaser, his heirs and assigns, for all purposes and against all persons, except the state of Minnesota in case of forfeiture as aforesaid. ('09 c. 452 § 5) [5332]

6447. Reservation of minerals—The state hereby reserves for its own use all the iron, coal, copper and other valuable minerals in or upon all lands which may be sold under the provisions of this act, and the sale certificate and patent herein provided for shall contain a clause reserving all such minerals for the use of the state. ('09 c. 452 § 6) [5333]

6448. Patents—The governor shall sign and cause to be issued under the seal and attestation of the state auditor patents for the lands described in such certificate of purchase whenever the same are presented to him, with the further certificate of said state auditor endorsed thereon, certifying that the amount of principal and interest specified therein, all taxes due on said lands have been paid, and that the holder of such certificate is entitled to such patent. ('09 c. 452 § 7) [5334]

6449. Funds, how disposed of—Duty of auditor—All money received from the sale of such lands or lots shall be credited to the general revenue fund of the state, and it shall be the duty of the state auditor to keep the proper and necessary records pertaining to the sale of such lands or lots that have been made, and provide the necessary blanks. ('09 c. 452 § 8) [5335]

6450. Gifts to state for capitol or institutions—Acceptance—Whenever any real property or rights or estates therein may be or may have been granted or conveyed or assigned or turned over as a gift by any person or municipality to the state of Minnesota, to be owned, held, occupied or used by the state in con-

nection with the capitol, or any state institution, or the grounds of the same, or any of them, the governor shall issue in duplicate under the great seal of the state a certificate of acceptance, and shall cause all the conditions of such gift to be performed, and the property so given to be improved, maintained and ornamented in the method and so far as the legislature may appropriate money therefor. ('09 c. 464 § 1) [5336]

6451. Lands obtained by condemnation—Whenever any corporation, municipal or otherwise, shall convey, assign or turn over to the state any rights it may have obtained by condemnation, the use of the land in which such rights were obtained by the state in any of the ways, or for any of the purposes hereinbefore mentioned, shall not be deemed an abandonment of nor work a forfeiture of the rights obtained by condemnation, but shall be considered a use incidental to and within the purposes of such condemnation. ('09 c. 464 § 2) [5337]

6452. Certificate of acceptance—Record—The certificate of acceptance shall be executed in duplicate and one filed in the office of the secretary of state, and the other filed for record in the office of the register of deeds of the county in which the land is situated, and after being recorded, kept with the records of the institution in connection with which the land is used. Upon said certificates of acceptance being so filed the conveyance and transfer of the rights, interests and estates involved shall be deemed complete. ('09 c. 464 § 3) [5338]

STATE PARKS, STATE PUBLIC CAMP GROUNDS AND STATE MONUMENTS.

6453. State properties to be known as such—All parks, public camp grounds and monument sites heretofore created or acquired by or at the expense of the state or which hereafter may be so created or acquired, and all monuments heretofore or hereafter erected by or at the expense of the state, shall be known respectively as state parks, state public camp grounds, state monument sites and state monuments in accordance with the respective legislative or other lawful designation thereof. ('23 c. 430 § 1)

6454. State auditor to have charge of state properties—The state auditor as state land commissioner, (hereinafter referred to as the auditor) hereby is charged with the care, improvement, supervision, control and management of all state parks, state public camp grounds, state monument sites, state monuments and state lands withdrawn from sale as hereinafter provided. ('23 c. 430 § 2)

6455. State treasurer may accept gifts—The state treasurer shall be and he hereby is authorized to receive and accept on behalf of the state any gift, donation, bequest or endowment of moneys or securities which may be made by any person by will or otherwise, to or for the benefit, support, maintenance or improvement of state parks, state public camp grounds, state monument sites or state monuments; provided, however, that no such gift, bequest or endowment shall be so accepted unless or until the governor, the auditor and the state treasurer shall determine that it is to the interest of the state to accept the same and in writing approve of and direct such acceptance. The net proceeds of such gifts, donations, bequests and endowments are hereby appropriated to be expended for the purposes for which they may be so made and accepted; provided, however, that no such gift, donation, bequest or endowment shall be accepted for the purpose of

establishing a new park, public camping ground or monument site without legislative authority. ('23 c. 430 § 3)

6456. State auditor to accept gifts—The auditor shall be and he hereby is authorized to receive and accept on behalf of the state, any gift, donation, bequest, conveyance, devise or endowment of real property or rights, interests or easements therein and of personal property other than moneys or securities which may be made by any person by will, conveyance, deed of gift or otherwise, to or for the benefit, creation, acquisition, support, maintenance or improvement of state parks, state public camp grounds, state monument sites or state monuments; provided, however, that no such gift, donation, bequest, conveyance, devise or endowment of real property or rights, interests or easements therein shall be so accepted unless or until the governor, the auditor and the state treasurer shall determine that it is to the interest of the state to accept the same and in writing approve of and direct such acceptance. Such gifts, donations, bequests, conveyances and devises hereby are devoted to and the net proceeds of such endowments are hereby appropriated to be expended for the purposes for which they may be so made and accepted. ('23 c. 430 § 4)

6457. State auditor may acquire lands in certain cases—Upon recommendation of the state forestry and the state game and fish commissioner, concurred in by him, the auditor from time to time may enter into negotiations on behalf of the state with the owners of tracts or parcels of real property which are especially desirable for immediate acquisition by the state for park, public camp grounds or monument site purposes by reason of exceptional natural beauty, location, great historical interest or otherwise, for the purchase and acquisition thereof or of rights, easements or interests therein, but no such purchase or acquisition shall be consummated without the written approval of the governor, nor beyond the limits of appropriations made and available therefor. The auditor may, however, arrange with such owners for the preservation of such tracts or parcels in their natural condition until the adjournment of the next succeeding session of the legislature, reporting thereto his acts and doings in that connection. ('23 c. 430 § 5)

6458. State to exercise right of eminent domain—Upon written request and direction of the auditor, the state forester and the state game and fish commissioner, approved in writing by the governor, the attorney general is hereby authorized and directed to exercise the power of eminent domain in manner and form prescribed by law in the name of and for and on behalf of the state for the acquisition by the state of such tracts and parcels of real property or rights, interests and easement therein as cannot be secured upon satisfactory terms and as shall be determined, designated and described in such requests, directions and approvals as especially desirable for immediate acquisition by the state for state parks, state public camp grounds or state monument sites by reason of exceptional natural beauty, location, great historical interest or otherwise and as likely otherwise to be shortly devoted to uses substantially interfering with the later acquisition or availability thereof for such public purposes. ('23 c. 430 § 6)

6459. State parks to be for use of public—State parks shall be preserved and maintained for the free use and enjoyment of the general public. No fee shall be charged or collected for the privilege of transient camping therein, nor shall any part thereof be leased or otherwise made available for the erection or main-

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23 — 149
29 — 75
29 — 229
29 — 230
29 — 246
29 — 269
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6453Eseq.
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31 — 292

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6459
15 — 374
19 — 368
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tenance of private cottages or permanent private camps therein. ('23 c. 430 § 7)

6460. **State auditor to promulgate rules**—The auditor may adopt and promulgate reasonable rules and regulations not inconsistent with law governing the use and enjoyment of areas of state land reserved from sale as hereinafter provided, state parks, state public camp grounds and state monument sites, which shall have the force and effect of law. A reasonable fee may be fixed, charged and collected by the auditor for the privilege of transient camping in state public camp grounds and the amounts so collected hereby are appropriated to be expended by him in the care, maintenance and improvement of such respective state public camp grounds. ('23 c. 430 § 8)

6461. **Employes to have powers of peace officers**—All supervisors, guards, custodians, keepers and caretakers of state parks, state public camp grounds and state monument sites shall have and possess the authority and powers of peace officers while in their employment. ('23 c. 430 § 9)

6462. **Violation of rules to be misdemeanor**—Any person who, within the limits of any state park, state public camp grounds, state monument site, or area of state land reserved from sale as herein provided, shall wilfully cut, injure or destroy any live tree, shrub, timber, evergreen or ornamental plant of any kind, or shall wilfully injure, remove, destroy, deface or mutilate any guide board, guide post, furniture, fixture, improvement, monument, tablet or other property of the state of any kind, or shall wilfully violate or fail to comply with any rule or regulation of the auditor adopted and promulgated in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor. ('23 c. 430 § 10)

6463. **State lands bordering on or adjacent to meandered lakes and public waters and timber thereon withdrawn from sale**—Reservation for public travel—All state lands bordering on or adjacent to meandered lakes and other public waters and watercourses and the live timber growing or being thereon hereby are withdrawn from sale.

Of all such lands bordering on or adjacent to meandered lakes and other public waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary high water mark being the water side boundary thereof, and the landslide [Land side] boundary thereof being a line drawn parallel to the ordinary high water mark and two rods distant landward therefrom, hereby is reserved for public travel thereon, and wherever the conformation of the shore line or conditions require, the auditor shall reserve a wider strip for such purposes. ('23, c. 430; § 11; amended '27, c. 330, § 1)

6464. **Auditor to designate certain lands as public camp grounds**—The auditor may designate suitable portions of said state lands so withdrawn from sale and not reserved as hereinbefore provided, as permanent state public camp grounds and cause the same to be surveyed and platted into lots of convenient size, and may lease and let such lots for cottage and camp purposes under such terms and conditions as he may prescribe; provided, that no lease shall be made for a longer term than ten years with the privilege of renewal from time to time for additional terms of not to exceed ten years each; and provided further, that all moneys received from leases under this act of state lands so withdrawn from sale shall be credited to the fund to which the proceeds of the land belong. ('23 c. 430 § 12)

6465. **Transient camping places**—The auditor may designate suitable portions of said state lands so withdrawn from sale and not reserved as hereinbefore provided as state public camp grounds for the use and enjoyment by the public as transient camping places. ('23 c. 430 § 13)

6466. **Auditor to make report to legislature**—The auditor biennially shall report to the legislature his acts and doings hereunder with recommendations for the improvement or conservation of state parks, state public camp grounds and state monument sites, and for desirable accessions thereto, such report to include an inventory of the tracts and parcels of land, and rights, interests and easements therein held by the state or withdrawn from sale for any of said purposes, with the value thereof. ('23 c. 430 § 14)

6467. **Application**—The provisions of this act shall not be applicable to Itasca State Park or other state forests. ('23 c. 430 § 15)

6468. **Itasca State Park**—All the lands hereinafter described, or so much thereof as the state is or shall become seized of, shall be a public park, to-wit: Section 6 in township 142 north of range 35 west; sections 6, 7, 18, 19, 30 and 31, and the west half of the west half of the west half of sections 20, 29 and 32, in township 143 north of range 35 west; sections 1, 2, 3 and 4 in township 142 north of range 36 west; sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36 in township 143 north of range 36 west; and all of the southwest fractional quarter of section 35 in township 144 north of range 36 west, containing 152.80 acres, situated at the outlet of Itasca lake. The name of the park shall be the "Itasca State Park," and it shall remain dedicated to the perpetual use of the people of the state under such restrictions as may be provided by law. (2496) [5339]

6469. **Lands, how acquired**—Standing appropriation—The attorney general, when requested by the governor, shall procure from persons owning land within the park limits concessions to the state for park purposes by contract or deed, subject to the approval of the governor. If satisfactory concessions cannot be so secured, the governor may direct the attorney general to acquire the title thereto by condemnation. The sum of five thousand dollars is hereby appropriated annually out of the treasury, or so much thereof as may be necessary, to pay for such lands. (2498) [5340]

6470. **School lands**—The auditor shall take proper proceedings, under the provisions of this chapter relative to the appraisal and sale of school lands, to cause the sale of the school lands in the park, and at the sale thereof the same shall be bid in by the state for park purposes. (2499) [5341]

6471. **Trespasses**—Every person, including Indians, who shall wilfully cut, injure, or take any tree, shrub, timber, or plant in said park, or who shall kill, cause to be killed, or pursue with intent to kill any wild animal, or, except with the consent of the park commissioner, take any fish from the waters thereof, raise or lower any of the lakes or streams within said park, or set any fire therein, or who shall wilfully injure any building, improvement, or property of the state therein, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars. (2500) [5342]

Cited (101-197, 112+395.

6472. **School houses in state parks**—That the state auditor is hereby authorized to allow the construction

and use of school houses in any state park the area of which is not less than 3,000 acres. ('19 c. 368 § 1)

6473. Certain lands added—The West one-half ($W\frac{1}{2}$) of the west one-half ($W\frac{1}{2}$) of section twenty (20), and the west one-half ($W\frac{1}{2}$) of the northwest one-quarter ($NW\frac{1}{4}$) of section twenty-nine (29), all in township one hundred forty-three (143) north of range thirty-five (35) west, situated in Hubbard county, is hereby added to and made a part of Itasca State Park. ('05 c. 277 § 1) [5343]

6474. Forest reserve—Powers of forestry board—Itasca State Park is hereby made a forest reserve, and its management placed under the state forestry board, to be cared for in the same manner as other forest reserves, as provided for in the act establishing said board except as hereinafter provided. The standing appropriations for said park shall be expended under direction of the state forestry board, and said state forestry board is hereby vested with all the powers with reference to said park heretofore exercised by any other board or state officer. ('07 c. 90 § 1) [5344]

Section 5 repeals inconsistent acts, etc. This act supersedes R. L. § 2497.

6475. Duty of board—The state forestry board shall preserve intact the primeval pine forest now growing in Itasca State Park, and shall cut no part thereof except weak, diseased or insect infested trees, or dead and down timber. The net returns from the sales of timber of any description from said park shall be turned into the state treasury. ('07 c. 90 § 2) [5345]

6476. Power of regents of university—Forest demonstration—The board of regents of the state university may, in their discretion, use for their forest demonstrations work in connection with the forestry course in the state university, any suitable tracts of land in Itasca State Park that may be assigned to them for this purpose by the state forestry board, or may undertake forestry work in the said park or elsewhere in conjunction with the state forestry board. ('07 c. 90 § 3) [5346]

6477. Game preserves—Itasca State Park shall be maintained by the state forestry board as a game preserve, and nothing in this act shall be construed as repealing the existing statutes in regard to trespass in Itasca State Park. ('07 c. 90 § 4) [5347]

6478. Authority to accept donations of land—Reservation of right to cut timber—The state forestry board is hereby authorized to accept for the state of Minnesota donations of the hereinafter described land within the limits of the Itasca State Park, and such donors may reserve to themselves the right to cut and remove from the said lands all the white pine, Norway pine, jack pine, spruce, cedar, tamarack and balsam timber eight inches in diameter and over and four feet and six inches from the ground at the time of cutting; and that the donors of the said land may reserve the right to cut and remove the timber growing on said land for a period not exceeding ten years from the date of such donation. ('09 c. 220 § 1) [5348]

6479. Taxes—Driving logs—Selection of groves—All the taxes levied on such timber which the donors may reserve to themselves under this act shall be paid by the state of Minnesota for a period not exceeding ten years and the said donors shall have the right to drive their logs through Itasca lake with two-foot head of water during such period of ten years for the purpose of getting the timber cut on such lands to market. In addition to the right given to the state forestry board under this act, they shall reserve to the state

and it shall be part of the agreement under which such donation is made that the said state of Minnesota by its said forestry board shall have the right to select such groves of timber as it may wish to preserve, to mark such groves and the trees therein with copper nails or white paint at the expense of the donors, and to pay the purchase price for the stumpage selected, which price shall be the same as that awarded the Red River Lumber Company according to size. Provided, that the state forestry board shall have the right to make partial payments for any standing timber which the forestry board may purchase from said donors. ('09 c. 220 § 2) [5349]

6480. Lands described—The lands referred to in section one [6478] of this act are situated in Itasca Park in Becker, Hubbard and Clearwater counties in this state and are described as follows:

Becker County—Lots numbered one (1), two (2) and three (3) and the south half of northeast quarter ($S\frac{1}{2}$, $NE\frac{1}{4}$), the northwest quarter of southwest quarter ($NW\frac{1}{4}$, $SW\frac{1}{4}$), the west half of southeast quarter ($W\frac{1}{2}$, $SE\frac{1}{4}$), and the southeast quarter of southeast quarter ($SE\frac{1}{4}$, $SE\frac{1}{4}$) of section one (1) and lots numbered two (2), three (3), nine (9) and ten (10) of section three (3), all in township one hundred forty-two (142) north of range thirty-six (36) west.

Hubbard County—Lots numbered one (1), two (2), three (3) and four (4) and the southeast quarter ($SE\frac{1}{4}$) of section thirty-one (31), township one hundred forty-three (143) north of range thirty-five (35) west.

Clearwater County—The northwest quarter ($NW\frac{1}{4}$) and south half ($S\frac{1}{2}$) of section nine (9); west half of northwest quarter ($W\frac{1}{2}$, $NW\frac{1}{4}$) and lots numbered five (5), eight (8) and nine (9) of section fifteen (15); west half of northeast quarter ($W\frac{1}{2}$, $NE\frac{1}{4}$), north half of northwest quarter ($N\frac{1}{2}$, $NW\frac{1}{4}$) southeast quarter of northwest quarter ($SE\frac{1}{4}$, $NW\frac{1}{4}$), southeast quarter of southwest quarter ($SE\frac{1}{4}$, $SW\frac{1}{4}$), northwest quarter of southeast quarter ($NW\frac{1}{4}$, $SE\frac{1}{4}$) and the south half of southeast quarter ($S\frac{1}{2}$, $SE\frac{1}{4}$) of section twenty-one (21); lots numbered one (1), two (2) and three (3) and the east half of southwest quarter ($E\frac{1}{2}$, $SW\frac{1}{4}$), southeast quarter of southeast quarter ($SW\frac{1}{4}$, $SE\frac{1}{4}$) of section twenty-three (23); north half of northwest quarter ($N\frac{1}{2}$, $NW\frac{1}{4}$), southwest quarter of northwest quarter ($SW\frac{1}{4}$, $NW\frac{1}{4}$) and southeast quarter ($SE\frac{1}{4}$) of section twenty-five (25); southeast quarter of northeast quarter ($SE\frac{1}{4}$, $NE\frac{1}{4}$), north half of southeast quarter ($N\frac{1}{2}$, $SE\frac{1}{4}$), southeast quarter of southeast quarter ($SE\frac{1}{4}$, $SE\frac{1}{4}$) and west half ($W\frac{1}{2}$) of section twenty-seven (27); lot numbered one (1) of section thirty-three (33) and the north half of northeast quarter ($N\frac{1}{2}$, $NE\frac{1}{4}$), north half of northwest quarter ($N\frac{1}{2}$, $NW\frac{1}{4}$), southwest quarter of northwest quarter ($SW\frac{1}{4}$, $NW\frac{1}{4}$), northeast quarter of southwest quarter ($NE\frac{1}{4}$, $SW\frac{1}{4}$) and northeast quarter of southeast quarter ($NE\frac{1}{4}$, $SE\frac{1}{4}$) of section thirty-five (35), all in township one hundred forty-three (143) north of range thirty-six (36) west, together with such other lands in Itasca Park in addition to those above named as may be donated to the state by the Pine Tree Lumber Company under the provisions of this act. ('09 c. 220 § 4) [5350]

6481. Donors to reserve minerals—The state forestry board is hereby authorized in its contract with any donors of lands specified in the above mentioned act approved April 17, 1909, in addition to the other stipulations in said act, to allow any donor to reserve

the minerals there may be in said lands. ('11 c. 275 § 1) [5351]

The preamble refers by title to 1909 c. 220.

⁶⁴⁸²
33 — 289 6482. Authority to secure certain lands—In addition to the powers now conferred by law upon the state forestry board, said board is hereby authorized to secure for the state of Minnesota, by gift, purchase or condemnation, any lands and the timber thereon in Itasca State Park not now owned by the state of Minnesota. ('13 c. 531 § 1) [5352]

For act authorizing the addition of certain lands to Itasca State Park see '19 c. 306.

6483. Tax levy and certificates—The money for the purchase and condemnation of such lands and the timber thereon shall be obtained by the levy and collection of a state tax of an amount equal to the interest on \$250,000.00 each year for five (5) years and of \$25,000.00 a year and the amount of interest on outstanding and unpaid Itasca park certificates of indebtedness each year after said five (5) years until all such certificates and interest thereon are paid. The state auditor is hereby directed to levy and collect such tax. The proceeds of such tax are hereby appropriated, so far as necessary to do so, to the payment for such lands and the timber thereon, and said certificates of indebtedness with interest, and the incidental expenses hereafter referred to. ('13 c. 531 § 2) [5353]

6484. Certificates of indebtedness—The state forestry board may issue against said taxes to be levied, collected and appropriated pursuant to the preceding section, certificates of indebtedness which shall be known as "Itasca Park certificates of indebtedness." They shall be in the aggregate of not more than \$250,000.00 and shall be issued in denominations of \$500.00 and shall be due in the aggregate of not more than \$25,000.00 a year beginning with 1918 and shall bear interest at not to exceed five (5) per centum per annum, and shall be sold as money is needed for the purchase or condemnation of land and timber thereon for said park as hereinbefore indicated, and the proceeds of such sales shall be used for such purchases or condemnations and interest as aforesaid, and the incidental expenses connected with such gifts, purchases or condemnations and not otherwise. ('13 c. 531 § 3) [5354]

6485. Powers and duties of board—Custodian of lodge, etc.—Superintendent of park—Salary and powers—To extend the authority conferred upon the forestry board by chapter 90 of the General Laws of 1907 [6474-6477] and other provisions applicable thereto in respect to the management of Itasca State Park, said board may appoint a custodian of Douglas lodge and any or all of the cottages and other buildings owned by the state situated in the park (excepting the buildings used for-forest school purposes) and permit him to use the same upon such terms and conditions as shall be mutually agreed upon between them, conditioned, however, that such party shall serve as custodian only during the pleasure of the board; the revenue derived by the state pursuant to the terms of any such agreement shall be paid into the state treasury, credited to the Itasca State Park support fund and used in maintaining and improving the park. Said lodge and all cottages shall as heretofore be used solely for the accommodation of the public visiting the park. The forestry board may prescribe rules and regulations for the management of the lodge and rates to be charged by such manager for the accommodation of the public. The board may appoint any competent person superintendent of the park, who shall serve during the pleasure of the board; locate his place of

residence and define his duties. His compensation as such superintendent shall be fifty (\$50.00) dollars per month, and it shall be his duty to give personal attention to the preservation of the park; prevent and put out fires; protect the game and fish therein, and perform such other duties as shall be prescribed by the state forestry board. The powers of a deputy game warden are hereby vested in him. He may act as district forest ranger or other forest officer and receive such compensation for such services as may be determined by the board of officers appointing him, not, however, in excess of fifty (\$50.00) dollars per month in addition to his said salary as superintendent. The said board is also authorized and directed to take necessary steps to protect all game and fish in the park, and is hereby given general supervision and control of the subject. ('13 c. 559 § 1) [5355]

6486. Certain improvements—The forestry board is hereby authorized to enlarge the dining room of Douglas lodge by the construction of a kitchen; the same to be built of logs as near as may be in conformity with the general appearance of the lodge. To make such improvement the sum of two hundred and fifty (\$250.00) dollars is hereby appropriated out of any money now in the state treasury not otherwise appropriated. ('13 c. 559 § 2) [5356]

6487. Leasing of Douglas lodge, Itasca Park, authorized—The state forestry board is hereby authorized to lease Douglas lodge and the adjacent cottages and buildings situated in Itasca State Park for a term not exceeding ten years, upon condition that the lessee shall, during the term of the lease, keep all said buildings in good condition and repair, operate the same for a period of at least four and one-half months during the summer of each year as a first-class orderly hotel and lunch room, pay the state as rental therefor not less than twenty-five per cent of the net profits arising in connection therewith, or a sum fixed by the forestry board, and surrender the premises to the state at the expiration of said rental period. The foregoing conditions shall be included with the terms of the lease, and, upon thirty days' notice, said lease may be terminated for breach of any of said conditions. ('19 c. 190 § 1)

§ 2 repeals all inconsistent acts and parts of acts.

6488. Dalles of the St. Croix Park—All land hereinafter described, or so much thereof as the state is or shall become seized of, shall be a public park, to-wit: Block 11; the east half of River street; block 13; all that strip of land between block 13 and the St. Croix river; block 14; lots 16, 17, 18, 19 and 20 of block 15; block 16; block 18; block 35, except the right of way of the Northern Pacific Railway Company; blocks 36, 37 and 38; lots 1, 2, 20, 21 and 22 of block 39; lots 1, 8, 9, 10, 11, 12, 13, 14 and 15 of block 40; islands Nos. 1 and 2 in the St. Croix river; blocks 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126 and 127, except the right of way of said railway company; and all of School Land addition of Taylors Falls, all in the town of Taylors Falls, in the county of Chisago, according to the recorded plats of said town and addition, together with all the streets, alleys, levees and parks abutting on said property, containing 150 acres, more or less. The name of said park shall be the "Interstate Park of the Dalles of St. Croix," and it shall remain dedicated to the perpetual use of the people, under such regulations as may be provided by law; and in carrying such regulations into effect, the governor of this state is authorized to confer and co-operate with the governor of Wisconsin, either personally

cr by joint commission, and such conference and cooperation may extend to all matters pertaining to acquiring, improving and preserving such park, and connecting such portions of the Interstate Park of the Dalles of the St. Croix as may lie in the different states by such bridges or other means as to them shall seem suitable and necessary. (2501) [5357]

See 1909 c. 60.

6489. Commissioner—Standing appropriation—The governor may appoint a park commissioner, who shall have the general care and supervision of said park, under such rules and regulations as the governor may prescribe. The compensation of the commissioner shall be three hundred dollars per annum, which is hereby annually appropriated from the treasury for that purpose. (2502) [5358]

6490. Trespasses—Every person who shall wilfully cut or injure any tree, shrub, or plant in said park, or deface or injure any structure or improvement therein, or disturb or disfigure any rock or other object therein, or post or paint any bill, name or advertisement therein, or deposit anything in the natural wells therein, shall be guilty of a misdemeanor. (2503) [5359]

6491. Minneopa State Park—That the northeast quarter of the northeast quarter of section twenty, township one hundred and eight, range twenty-seven in the county of Blue Earth and state of Minnesota, and the north fourteen acres of the southeast quarter of the northeast quarter of said section twenty, township one hundred and eight, range twenty-seven, or so much thereof as the state of Minnesota is now or (may) hereafter become seized, shall be and hereby is set apart and perpetually used as a public park. ('05 c. 297 § 1) [5360]

Section 4 authorizes and directs the attorney general to procure concessions or conveyances or to condemn.

Section 6 makes an appropriation.

6492. Certain lands added—That the boundaries of the Minneopa State Park as established and created by chapter two hundred and ninety-seven of the General Laws of the state of Minnesota for 1905 [5360, 5362-5364], be and the same are hereby enlarged by adding to said park the following territory, to-wit: The north fourteen acres of the southwest quarter of the northwest quarter and the northwest quarter of the northwest quarter, all in section twenty-one in township one hundred and eight, of range twenty-seven, except a tract five hundred and forty-five feet square in the northwest corner thereof known and designated as "Minneopa Cemetery," according to the plat of said cemetery on file and of record in the office of the register of deeds of said Blue Earth county, and the said territory shall be, and hereby is set apart perpetually as a public park and is made a part of said Minneopa State Park. ('09 c. 409 § 1) [5361]

Other sections authorize the attorney general to procure the additional lands, etc.

6493. Increased acreage for Minneopa State Park—That the boundaries of Minneopa State Park as established and created by chapter two hundred ninety-seven (297) of the General Laws of the State of Minnesota for 1905, and as enlarged by chapter four hundred and nine (409) of the General Laws of the State of Minnesota for 1909, be and the same are hereby enlarged by adding to said park the following land situate in Blue Earth county, and State of Minnesota, to-wit: All the south twenty-six (26) acres of the southeast quarter of the northeast quarter (SE¼ of NE¼) of section twenty (20) in township one hundred and

eight (108) north of range twenty-seven (27) west, which lies west of the public highway now located on said twenty-six (26) acre tract, containing about eleven and one-half acres, and the said land shall be and the same hereby is set apart perpetually as a public park and is made a part of said Minneopa State Park. ('17 c. 157 § 1)

Explanatory note—For Laws 1905, c. 297, see §§ 6491, 6494 to 6496, herein.

For Laws 1909, c. 409, see § 6492, herein.

6494. Name and dedication—The name of said park shall be the Minneopa State Park, and the same is by this act dedicated to the perpetual use of the people of the state of Minnesota under the proper restrictions herein provided, or which may be hereafter provided by law. ('05 c. 297 § 2) [5362]

6495. Care and supervision—The general care and supervision of the Minneopa State Park, until otherwise provided for, shall be vested in the state auditor, acting as state land commissioner. ('05 c. 297 § 3) [5363]

6496. Trespasses—Any person who shall wilfully cut, destroy or mutilate, or cause to be wilfully cut, destroyed or mutilated, any tree, shrub, timber, evergreen or plants of any kind, shall be guilty of a misdemeanor, and, upon conviction thereof by any court having competent jurisdiction, shall be punished by a fine of not less than ten dollars, and not more than one hundred dollars for each offense, or be imprisoned in the county jail of Blue Earth county, Minnesota, for not less than ten days or more than ninety days for each and every such offense. ('05 c. 297 § 5) [5364]

6497. Alexander Ramsey State Park—That the northwest quarter of the southeast quarter and the south half of the northeast quarter of the southeast quarter of section thirty-six (36), in township one hundred thirteen (113), north of range thirty-six (36), in the county of Redwood and state of Minnesota, is now or (may) hereafter become seized, shall be and hereby is set apart and perpetually used as a public park. ('11 c. 259 § 1) [5365]

Section 4 authorizes and directs the attorney general to procure concessions or conveyances or to condemn.

Section 6 makes an appropriation.

6498. Name and dedication—The name of said park shall be "the Alexander Ramsey State Park," and the same is by this act dedicated to the perpetual use of the people of the state of Minnesota under the restrictions herein provided or which may hereafter be provided by law. ('11 c. 259 § 2) [5366]

6499. Care and supervision—The general care and supervision of the Alexander Ramsey State Park, until otherwise provided for, shall be vested in the state auditor acting as state land commissioner. ('11 c. 259 § 3) [5367]

6500. Trespasses—Any person who shall wilfully cut, destroy or mutilate, or cause to be wilfully cut, destroyed or mutilated, any tree, shrub, timber, evergreen or plants of any kind, shall be guilty of a misdemeanor, and, upon conviction thereof by any court having competent jurisdiction, shall be punished by a fine of not less than ten dollars, and not more than one hundred dollars for each offense, or be imprisoned in the county jail of Redwood county, Minnesota, for not less than ten days or more than ninety days for each and every such offense. ('11 c. 259 § 5) [5368]

6501. Fort Ridgely State Park—That the west half of the northeast quarter of section six, township one hundred eleven, north, range thirty-two, west, in the county of Nicollet and state of Minnesota, except a tract of land described as follows: Beginning at the

southeast corner of the northwest quarter of the northeast quarter of said section six, township one hundred eleven, north, range thirty-two west, Nicollet county, Minnesota, thence south six and fifty one-hundredths (6.50) chains; thence north seventy-nine degrees and thirty minutes (79° 30') west, one and twenty-five hundredths (1.25) chains; thence north eight (8) chains; thence south seventy-nine degrees and thirty minutes (79° 30') one and twenty hundredths (1.20) chains; thence south one and fifty-one hundredths (1.50) chains to place of beginning, containing one acre of land.

Also the east half of the northeast quarter of section six, township one hundred eleven, north, range thirty-two, west, in county of Nicollet and state of Minnesota, except a tract of land therein known and designated as the Fort Ridgely Cemetery Association Cemetery, according to the plat of said cemetery on file and of record in the office of the register of deeds in and for Nicollet county, Minnesota, or so much thereof as the state of Minnesota is now or may hereafter become seized, shall be and hereby is set apart perpetually as a public park. ('11 c. 355 § 1) [5369]

Section 4 authorizes and directs the attorney general to procure concessions or conveyances or to condemn.

Section 6 makes an appropriation.

Laws 1925, c. 138, reads as follows: "Section 1. That the governor and the state auditor, on behalf of and in the name of the State of Minnesota be and they hereby are authorized and directed to convey to the Fort Ridgely Cemetery Association, a corporation, that certain tract or parcel of land constituting a part of the Fort Ridgely State Park, situate in the SE¼ of NE¼ of section 6, township 111, North, Range 32 West of the 5th P. M. in the county of Nicollet, and described as follows, to-wit:

Commencing at a point on the east line of the cemetery of the Fort Ridgely Cemetery Association, known as the Fort Ridgely Cemetery (hereinafter called the cemetery) which point is 56 feet north of the southeast corner of said cemetery and is also 520 feet north and 308.5 feet east of the southwest corner of said SE¼ of NE¼ of said section 6; thence east 31 feet to a point marked on the ground by an iron monument; thence north 1° 42' West 180 feet to a point marked on the ground by an iron monument; thence North 50° 11' West 100.5 feet to a point on the east line of said cemetery, as shown on the recorded plat thereof and marked on the ground by an iron monument; thence south along the east line of said cemetery 244 feet to the point of commencement; containing .38 acre: in exchange for a good and sufficient deed conveying to the State of Minnesota, free from encumbrance, a good and marketable title to the following described tract or parcel of land situate in the SE¼ of NE¼ of section 6, township 111 north, range 32 west, of the 5th P. M. in the county of Nicollet, to-wit:

The south 56 feet taken by parallel lines of "Fort Ridgely Cemetery," according to the plat thereof on file and of record in the office of the register of deeds of the county of Nicollet, said tract or parcel being otherwise described as follows, to-wit:

Commencing at the southwest corner of the cemetery of the Fort Ridgely Cemetery Association, which point is 464 feet north and 11.5 feet east of the southwest corner of the SE¼ of the NE¼ of said section 6; thence east 297 feet on the south line of the cemetery and to the southeast corner thereof; thence north on the east line of said cemetery 56 feet to a point; thence west and parallel with first course 297 feet to a point on the west line of said cemetery; thence south on the west line of said cemetery 56 feet to point of commencement, containing .38 of an acre; each of said points so referred to being marked on the ground by an iron monument; said tract or parcel when so conveyed to become and be a part of the Fort Ridgely State Park.

"Sec. 2. That the governor and the state auditor be and they hereby are authorized and directed to execute and deliver in the name of the State of Minnesota to the Fort Ridgely Cemetery Association, and the Fort Ridgely Cemetery Association be and it hereby is, by its proper officers, authorized to execute and deliver to the State of Minnesota such deeds of conveyance as may be necessary or proper to carry out the terms of the exchange of properties as herein provided."

6502. Name and dedication—The name of said park shall be Fort Ridgely State Park and the same is by

this act dedicated to the perpetual use of the people of the state of Minnesota, under the proper restrictions herein provided or which may hereafter be provided by law. ('11 c. 355 § 2) [5370]

6503. Care and supervision—The general care, improvement and supervision of the Fort Ridgely State Park, until otherwise provided for, shall be vested in the state auditor, acting as state land commissioner. ('11 c. 355 § 3) [5371]

6504. Trespasses—Any person who shall wilfully cut, destroy or mutilate or cause to be cut, destroyed or mutilated, any tree, shrub, timber, evergreen, or ornamental plant of any kind in said park, shall be guilty of a misdemeanor, and, upon conviction thereof by any court having competent jurisdiction, shall be punished by a fine of not less than ten dollars and not more than one hundred dollars for each offense or be imprisoned in the county jail of Nicollet county, Minnesota, for not less than ten days or more than ninety days for each and every such offense. ('11 c. 355 § 5) [5372]

6505. Horace Austin State Park—That the following described premises situated in the county of Mower and state of Minnesota, shall be and hereby are set apart to be used perpetually as a public park, to-wit: All that part of the northeast quarter (NE¼) of section three (3), township one hundred two (102) north of range eighteen (18) west; north of a line running east and west 182 feet north of the north boundary of Water street in the city of Austin, Minnesota, as per the recorded plat thereof, except that portion east of the extension of the west line of lot eight (8), block thirty-three (33) in the original village of Austin, Minnesota; also except a piece of land described as follows: Commencing at the northwest corner of lot twenty-five (25), block thirty-three (33) of the original village of Austin, Minnesota, running thence north on a continuation of the west line of said lot twenty-five (25) above described 260 feet, thence southeasterly to a point fifty (50) feet north of the northeast corner of lot nineteen (19) of said block thirty-three (33), thence south fifty (50) feet to the north line of block thirty-three of the original village of Austin, Minnesota, thence west along the north line of block thirty-three (33) to the place of beginning. Also all that portion of the northwest quarter (NW¼) of the northeast quarter (NE¼) of section three (3), township one hundred two (102) north of range eighteen (18) west, lying north of a line drawn from the southeast corner of lot one (1), block fourteen (14), Morgan's Addition to Austin, Minnesota, to a point 260 feet north of the northwest corner of lot twenty-five (25), block thirty-three (33) of the original village of Austin, Minnesota, and east of the easterly line of block fourteen (14), Morgan's Addition to Austin, Minnesota, except a piece of land 132 feet wide east of and adjoining lots seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15) and sixteen (16) of block fourteen (14) of Morgan's Addition to Austin, Minnesota, as per the recorded plat thereof. Also all of the south half (S½) of the southeast quarter (SE¼) of section thirty-four (34), township one hundred three (103) north of range eighteen (18) west, south of the main channel of the Cedar river as it flows southwesterly, except the easterly 200 feet thereof. Also all that part of the northeast quarter (NE¼) of the northeast quarter (NE¼) of section three (3), township one hundred two (102) north of range eighteen (18) west, lying north of the main channel of the

Cedar river, except the easterly 200 feet thereof. ('13 c. 361 § 1) [5373]

Section 4 authorizes and directs the attorney general to procure concessions or conveyances or to condemn.

Section 6 makes an appropriation.

6506. Name and dedication—The name of said park shall be "the Horace Austin State Park," and the same is by this act dedicated to the perpetual use of the people of the state of Minnesota, under the restrictions herein provided or which may hereafter be provided by law. ('13 c. 361 § 2) [5374]

6507. Care and supervision—The general care and supervision of the Horace Austin State Park, until otherwise provided for, shall be vested in the state auditor acting as state land commissioner. ('13 c. 361 § 3) [5375]

6508. Trespasses—Any person who shall wilfully cut, destroy or mutilate, or cause to be wilfully cut, destroyed or mutilated, any tree, shrub, timber, evergreen or plants of any kind, shall be guilty of a misdemeanor and, upon conviction thereof by any court having competent jurisdiction, shall be punished by a fine of not less than ten dollars, and not more than one hundred dollars for each offense, or be imprisoned in the county jail of Mower county, Minnesota, for not less than ten days or more than ninety days for each and every offense. ('13 c. 361 § 5) [5376]

6508-1. Pipestone State Park—Established—That so much of Section one (1), in Township one hundred six (106), Range forty-six (46), in the County of Pipestone and State of Minnesota, as the State of Minnesota is now or may hereafter become seized or possessed of by grant or conveyance from the United States of America, shall be and is hereby set apart to be perpetually used as a public park. ('25, c. 107, § 1)

6508-2. Same—Name—Dedication to use of public—The name of said park shall be The Pipestone State Park and the same is by this act dedicated to the perpetual use of the people of the State of Minnesota, under the proper restrictions hereinafter provided, or which may be hereafter provided by law. ('25, c. 107, § 2)

6508-3. Same—Care, etc., vested in auditor—The general care, improvement and supervision of the Pipestone State Park, until otherwise provided, shall be vested in the State Auditor, acting as State Park Commissioner. ('25, c. 107, § 3)

STATE FORESTS.

Auxiliary forests, see §§ 4031-101 to 4031-113, herein.

6509. Forestry board given right to eliminate land from state forests and dispose of same for agricultural purposes—When any tract or tracts of land that have been included in areas set apart as state forests are found to be better adapted for the production of farm crops than for forestry, the state forester shall recommend to the forestry board that the same be eliminated from the state forests and, with the approval of the board, such tract or tracts shall be sold as other state lands are sold. Provided, however, that the state lands in the following described townships or parts of townships are hereby eliminated from the Minnesota state forests: Township 62 north in range 12 west, section 36 of township 63 north in range 12 west, the south one-half of township 61 north in ranges 2, 3 and 4 west, township 61 north in range 1 west, the south one-third of township 62 north in range 1 west, townships 61 and 62 north in range 1, 2, 3 and 4 east, the south one-half of township 63 north in range 3 east,

and the south one-third of township 63 north in range 4 east; and provided further, that when any of the state lands in the above described townships or parts of townships, or any other state lands outside the boundaries of any state forests heretofore established, are found by the state auditor to be better adapted for the production of timber than for agriculture, the auditor is hereby authorized to certify such fact with regard to each tract of land to the forestry board, whereupon the lands so certified shall become a part of the state forests, and be administered and used as are other state forests. ('19 c. 315 § 1)

See note to § 6512, infra.

6510. Term "forest reserve" changed to "state forest"—The term "forest reserve," as now used and contained in the laws of the state of Minnesota shall be and the same is hereby changed to read "state forest." ('13 c. 86 § 1) [5377]

6511. Lands included—The forest reserves of the state shall consist of all state lands which have been or may be set apart by the legislature, or granted by the United States and accepted by the legislature, for forestry purposes, and of all lands which have been or shall be acquired by the state therefor. (2504) [5378]

For act establishing certain forests, See '17 c. 448.

6512. Power of board—Quorum—The board may enter into contracts in the name of the state; may adopt a seal; may make all reasonable rules and by-laws for its own government, and for the care, management, and preservation of the forest reserves; may cause actions to be brought in the name of the state to protect the state's interests in matters confided to its care; may lease, for income or for protection, meadow and pasture lands, where such use will not interfere with the growth of forest trees; may sell dead and down and mature timber, and other timber where the public interests will be subserved thereby; and may alienate any tract of land, when such alienation is demanded by the growth of towns, the building of railroads, or water power or other public improvements. A majority of the board shall be a quorum for the transaction of business. (2509) [5379]

R. L. §§ 2505-2508, 2510, 2515, relating to the state forestry board, are expressly repealed.

This section was from sections 7, 11 of Laws 1899, c. 214, and was included in R. L. '05, as section 2509 thereof. Sections 2, 3, 4, 5, 6, part of 7, 10 and 11 of Laws 1899, c. 214, included in R. L. '05 as §§ 2505, 2506, 2507, 2508, 2510 and 2515, were repealed by Laws 1911, c. 125, § 28 (G. S. '13, § 3810; G. S. '23, § 4031). The board mentioned in this section was the state forestry board created by section 2 of said Laws 1899, c. 214 (R. L. '05, § 2505). Laws 1911, c. 125, § 1 (G. S. '13, § 3783; G. S. '23, § 4001) also created a state forestry board, which section was superseded by Laws 1925, c. 407, § 3, supra, § 4031-3. The state forestry board was abolished by Laws 1925, c. 426, Art XVIII, § 2, supra, § 53-45. See note to § 4031-2, supra.

6513. Expenses of members—The members of the board shall receive no compensation for their services as such, but they shall be repaid their reasonable expenses incurred in attending meetings of the board or executive committee, or in performing services at the request of either. (2511) [5380]

See note to § 6512, supra

6514. Lands given for reserves—When the owner of any lands suitable for the forest reserves shall offer, in writing, to convey the same to the state for forestry purposes, the board shall refer the question of accepting such offer to the town and county boards where the land is situated, for their advice thereon, and shall consider all objections and recommendations submitted upon such question. The decision of the

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state board thereon shall be final. No conveyance of such lands shall be accepted unless the board shall be advised by the attorney general that the same are clear of liens except the liens of the state for taxes. If any land shall be devised to the state for forestry purposes, the question of the acceptance thereof shall be determined, as nearly as may be, in the same manner. (2512) [5381]

See note to § 6512, supra.

6515. Tax title lands, how set apart—All lands not included in the corporate limits of any city or village, or any platted townsite, which were offered for sale for the payment of taxes which became delinquent prior to the year 1891, under Laws 1881 c. 135, or Laws 1893, c. 150, or Laws 1899, c. 322, and which became the property of the state under any of said acts, and remain undisposed of, and which are totally unfit for agricultural purposes, may become part of the forest reserves in the following manner: When the board shall desire to have any such lands so set apart, it shall submit the question whether such lands are totally unfit for agriculture to the county board, which shall report its determination thereon. Upon request of the forestry board, embodied in a resolution describing such lands so found to be unfit, the attorney general, in all cases in which a right to redeem exists, shall cause notice of the time when the redemption period will expire to be given, in the same manner as is required of the holder of a tax certificate; and each notice shall have the same effect to bar the right of redemption as notice given by such holder. The attorney general shall also bring any action in the name of the state necessary to quiet its title. The county attorney, when requested by the attorney general, shall prosecute such actions, for each of which he shall receive five dollars, and the attorney general shall furnish blank forms therefor. When the state's title to any such tract has been quieted, the attorney general shall so certify, and thereupon it shall become a part of the forest reserves. There is hereby appropriated annually one thousand dollars for paying the expenses incurred in bringing such actions, but no such expenses shall be paid except on vouchers of the forestry board, approved by the attorney general. (2513) [5382]

Explanatory note—Laws 1881, c. 135 was repealed by R. L. '05, § 5533 (§ 10967 herein). Laws 1893, c. 150 was repealed by R. L. '05, § 5539 (§ 10969 herein). Laws 1899, c. 322 was repealed by R. L. '05, § 5543 (§ 10977 herein).

See, 1909 c. 87.

6516. Lands purchased for reserves—The board is authorized to purchase for the forest reserves, at a price not exceeding two dollars and fifty cents per acre, any land, preferably at the sources of rivers, which is adapted for forestry, but not to exceed in any one township one-eighth of the area thereof; and no money shall be paid therefor until the attorney general certifies that the deed thereof conveys a clear title to the state. (2514) [5383]

6517. Animals and birds in forest reserves, parks, etc.—No person shall kill, or pursue with intent to kill, take, snare, or have in possession, by any means upon any Minnesota state forest reserve lands or parks, or upon any lands that may be designated by the state game and fish commission as game propagating and breeding grounds, any wild animals or birds protected at any time by law. The killing or having in possession of each of such protected animal or bird shall constitute a separate offense.

Provided, that this act shall not prohibit the killing

or destroying of wolves or other noxious animals by or under the supervision of the state game and fish commission. ('07 c. 45 § 1, amended '09 c. 171; '13 c. 95 § 1) [5384]

1907 c. 45 § 1 was also amended by 1909 c. 320.

6518. Penalty—Any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment in the county jail for not less than thirty days or more than ninety days or both. ('07 c. 45 § 2) [5385]

6519. Water powers owned or controlled by state withdrawn from sale—All water powers having a possible average development of one hundred horse power or more, owned by or subject to the control of the state of Minnesota, and all lands so owned, controlled or held in trust by the state of Minnesota lying within one mile of such water powers are hereby withdrawn from sale and held for the purpose of the improvement and utilization of the same for the purpose of having paper manufactured by plants built at and using the power of such water powers. ('17 c. 360 § 1)

6520. Lands suitable for re-forestation withdrawn from sale—All the lands owned, controlled or held in trust by the state of Minnesota, which lands would be overflowed by the complete and full development of the water powers hereinbefore referred to are hereby reserved and withdrawn from sale in order that they may be overflowed by the improvement of the water powers within whose basin of overflow they lie. All lands unfit for agricultural and suitable for re-forestation purposes are hereby withdrawn from sale. The state auditor is hereby requested and directed to ascertain all the water powers and lands hereinbefore referred to with all due speed and to withdraw from sales all such lands and to report such withdrawals, including in such report the description of the land, the present character and the growth thereon and the estimated value of the land and also of the timber, if any, now growing thereon. Also the quantity and character of the timber suitable for use in the manufacture of paper, growing on said land and the most accessible method of transportation of said timber, of use in the manufacture of paper, to the nearest reserved water power, or any water power which in the opinion of the state auditor can advantageously be procured by the state, by condemnation or purchased for the purposes provided in this act. ('17 c. 360 § 2)

6521. Investigation ordered of pulpwood or growing same—The state auditor shall make an investigation of the possibility of the state securing by purchase or condemnation water powers in the vicinity of state lands, wherein pulpwood is now growing or upon which it may be profitably grown in the future. For such purpose it shall be proper for him to call upon the state drainage engineer for assistance. ('17 c. 360 § 3)

6522. Same—The state board of control is hereby directed to investigate the advisability and feasibility of having the inmates of the state reformatory engaged in the manufacture of pulpwood in a pulp mill to be operated by the state. The state auditor shall make a full and complete report to the next session of the legislature of all suitable water powers that may be utilized in the operation of a state owned pulp and paper mill.

The state forester shall make an estimate of how many cords of pulpwood per year can be grown upon state owned lands, unfit for agricultural purposes, and

which in his opinion can wisely be utilized in the product of pulpwood and he shall make report thereof to the next legislature. ('17 c. 360 § 4)

6522-1. State lands within Minnesota National Forest constituted state forests—All lands now owned by the State of Minnesota and situated within the boundaries of the Minnesota National Forest, established within this state by act of Congress of the United States, shall hereafter constitute and be state forests, and shall be governed, operated, managed and controlled in the same manner as other state forests.

The state authorities may co-operate with the Federal authorities in respect of the government, operation, management and control of such state forests along with such national forests to any extent and in any manner not inconsistent with the laws of this state. ('27, c. 246, § 1, effective July 1, 1927 by § 2)

RECLAMATION BOARD

6523. How appointed—To select from swamp, stump or cut-over lands—The governor is hereby authorized, empowered and instructed to appoint a reclamation board of three members to serve without payment for service, whose duty it shall be to select from swamp, stump or cut-over lands belonging to the state of Minnesota ten separate forty-acre government sub-divisions thereof to be appraised, improved and sold as hereinafter provided. ('11 c. 367 § 1) [5386]

Section 6 made an appropriation.

6524. Appraisal—Duties and powers of board—Such selection when made by such board shall be certified to the state auditor and such auditor shall thereupon forthwith proceed to cause the said selections of state land to be appraised in the manner provided by law. After such appraisal the said board shall cause one-half of each tract so selected to be cleared of trees, brush or stumps or otherwise improved and prepared for cultivation as shall be deemed advisable by such board, and for such purpose the said board is authorized and empowered to enter into such contracts or agreements as are necessary in carrying into effect the provisions of this act. ('11 c. 367 § 2) [5387]

6525. Report—Duty of auditor—Immediately after the clearing and preparation of each such tract the said board shall make detailed report thereof and of the cost of clearing and improving the same, showing the nature and extent of such improvement, and shall file such report in the office of the state auditor. It shall thereupon be the duty of the state auditor as early as may be, to make special public sale of such tract or tracts so reported upon in the manner and upon like notice as is required by law, and like certificate or certificates shall be issued and delivered as in other cases of sale of state lands of like character. ('11 c. 367 § 3) [5388]

6526. Lands, how sold, etc.—No such tract of land shall be sold for less than its appraised value, ascertained as herein provided, plus the cost of the improvement of such tract as certified by such board. The terms of such sale, rate of interest on the purchase price, and other details of such sale or the disposition of the proceeds shall be as is provided by law in case of sale of other state lands of like character, and the proceeds of such sale and the interest thereon as the same is paid, shall go to and be credited respectively to the fund or funds to which the purchase price of such lands or to which the interest thereon would be credited under existing law if such sale were

made without such improvement. ('11 c. 367 § 4) [5389]

6527. Expenses, how paid, etc.—Payment for the clearing or improvement of the said lands and of all other costs and expenses incurred in carrying this act into effect shall be made upon certificate of such reclamation board filed with the state auditor. Actual traveling and other expenses shall be allowed to the members of said board in performance of their duties hereunder. ('11 c. 367 § 5) [5390]

UNITED STATES LANDS

6528. Relinquishment—Whenever any land has been erroneously certified or conveyed to the state by the United States, the governor may execute, under the seal of the state, a relinquishment or reconveyance thereof. (2516) [5391]

6529. Grant by municipal corporation—Whenever the United States shall desire land for any purpose of the government, which is owned by any city, town, county, or other municipal or quasi municipal corporation, or in which such corporation has any right, it shall be lawful for the governing body of such corporation to grant and convey the same to the United States. (2517) [5392]

6530. United States survey—Damages—Any person employed, pursuant to the laws of the United States, in the execution of a survey, may enter upon any land in the state for the purpose of doing any act which may be necessary thereto, and may establish permanent station marks, and erect the necessary signals and temporary observatories. If the parties interested cannot agree upon the amount to be paid for damages caused thereby, either may petition the district court for the county in which the land is situated to assess the damages. The court shall appoint a time for a hearing as soon as may be, and order at least twenty days' notice thereof to be given to all parties interested, and shall, with or without view of the premises, as the court may determine, hear the parties and assess the damages. The person so entering upon the land may tender to the injured party damages, and if, in case of a petition, the damages assessed do not exceed the amount tendered, the person entering shall recover costs; otherwise the other party shall recover costs. (2518) [5393]

6531. Injury to signal, etc.—Whoever wilfully defaces, injures, or removes any signal, monument, building, or other property of the United States erected or used in the coast and geodetic survey, pursuant to the laws of the United States, shall forfeit not exceeding fifty dollars for each offense, and shall be liable to the United States for all damages sustained by it in consequence thereof, to be recovered in a civil action. (2519) [5394]

6532. Minnesota state land commission created—That a commission to be known as the Minnesota State Land Commission is hereby created, to consist of the governor, attorney general and state auditor. The governor shall be ex-officio chairman, the state auditor shall be ex-officio secretary and shall report to the legislature the findings and conclusions of said commission, as hereinafter directed. ('17 c. 324 § 1)

Explanatory note—Powers, etc., of Minnesota State Land Commission transferred to Executive Council. See § 52-3, herein.

6533. To consider and propose terms of settlement of claims—This commission shall have power to consider and propose terms of settlement of all claims to the legislature of all differences or controversies that

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now exist or may hereafter arise between the state of Minnesota and the United States over lands granted to the state of Minnesota by the United States under any act of congress. It may consider and propose terms of settlement of such claims, differences or controversies separately or in toto. To the end that such settlement or settlements may be carried out and completed, said commission is hereby authorized to accept patents of lands issued by the United States and to reconvey to the United States any state lands which it may by unanimous vote determine should be so reconveyed in order to carry out the provisions of this act, whenever approved by the state legislature. ('17 c. 324 § 2)

6534. Filing and conclusions to be referred to the legislature—This commission shall refer its findings and conclusions to the legislature for confirmation and no adjustment or settlement of any claim by the commission shall be final until ratified by the legislature. Provided, however, that the commission have authority to make final settlement and adjustment of individual claims of settlers or Indian allottees, where the land

in question does not exceed 160 acres in area. ('17 c. 324 § 3)

6535. Auditor to report status of all claims against the United States—The state auditor is hereby directed to report to said commission the status of all claims of the state against the United States for lands patented to the state by the United States under any acts or grants relating to lands; and the status of all claims of the United States against the state for lands alleged to have been wrongfully patented or conveyed to the state by the United States. ('17 c. 324 § 4)

6536. Auditor directed to expend money for clerk hire, traveling, hotel bills, etc.—The state auditor is hereby directed to expend from any fund or funds appropriated for the maintenance of any department of the state auditor's office such sums as may be necessary for clerk hire, expenditure of travel, hotel bills or otherwise as may be necessary to carry out the provisions of this act. Such expenditures shall be audited by the state auditor and approved by the commission, and for such purpose a per diem expenditure may be audited and approved. ('17 c. 324 § 5)